

EXHIBIT 98-B
Redacted Version of
Document Sought to be Sealed

****CONFIDENTIAL ROUGH DRAFT****

1 UNCERTIFIED REALTIME ROUGH DRAFT OF

2 ISABELLA LEONE TAKEN 8/5/2022

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14 THE VIDEOGRAPHER: We're on the record.

08:04:42 15 It's 8:04 Pacific Time on August 5th, 2022. This

16 is the deposition of Isabella Leone. We're here in
17 the matter of Facebook Consumer Privacy User
18 Profile Litigation.

19 I'm John Macdonell, the videographer,

08:04:58 20 with Veritext.

21 Before the reporter swears the witness,
22 would counsel please identify themselves, beginning
23 with the noticing attorney, please.

24 MS. WEAVER: Yes. Good morning.

08:05:09 25 This is Lesley Weaver with

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08:05:10 1 Bleichmar Fonti & Auld on behalf of the plaintiffs.
2 And with me today from my firm are Josh Samra and
3 Angelica Ornelas.

4 MR. BENJAMIN: Good morning.

08:05:21 5 I'm Matt Benjamin of
6 Gibson, Dunn & Crutcher on behalf of Meta Facebook
7 and the witness.

8 With me are Martie Kutscher Clark,
9 Naima Farrell, Matt Boungiorno and Phuntso Wangdra,
08:05:33 10 also from Gibson Dunn. And Ian Chen from Meta.

11 THE COURT REPORTER: If you could raise
12 your right hand for me, please.

13 THE DEPONENT: (Complies.)

14 THE COURT REPORTER: You do solemnly
08:05:39 15 state, under penalty of perjury, that the testimony
16 you are about to give in this deposition shall be
17 the truth, the whole truth and nothing but the

18 truth?

19 THE DEPONENT: I do.

08:05:39 20

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8 ISABELLA LEONE

9 having been administered an oath, was examined and

08:05:55 10 testified as follows:

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12 EXAMINATION

13 BY MS. WEAVER:

14 Q. Good morning, Ms. Leone.

08:06:01 15 A. Good morning.

16 Q. Thanks for joining us today.

17 Have -- have you been deposed before?

18 A. I have not.

19 Q. Okay. Well, good -- good times are ahead

08:06:12 20 for you.

21 So really briefly, I -- I know that

22 you've covered these rules with your counsel, but

23 it's good if we discuss it on the record.

24 AS you can see, Ms. Romano here is

08:06:21 25 transcribing what we discuss today. And so because

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08:06:28 1 of that transcription process and because we are

2 making a record, it's really important that we not

3 speak over each other and that we answer questions

4 audibly.

08:06:38 5 Does that make sense?

6 A. Absolutely.

7 Q. Okay. If you don't understand a question

8 that I'm asking, please just ask for clarity and

9 I'll rephrase it, because the really important

08:06:48 10 thing is that we're communicating accurately with

11 one another; is that fair?

12 A. Yeah. Absolutely.

13 Q. Okay. A general rule is that if there is

14 a question pending, you may not take a break, you

08:07:04 15 should answer the question. Unless you're

16 instructed not to answer by your counsel.

17 And -- and the final point is that -- I'm

18 sure you've seen courtroom dramas where the witness

19 is on the stand and the judge is making rulings.

08:07:20 20 In a deposition, that doesn't happen. So your

21 counsel will be inserting objections for the

22 record, but there will no ruling on them.

23 So you should answer the question, again,

24 unless you are instructed not to answer because we

08:07:32 25 are not graced with the presence of a judge saying

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08:07:34 1 overruled or sustained, so...

2 Is that fair?

3 A. Yup. Understood.

4 MS. WEAVER: Okay. And before the

08:07:43 5 deposition started, your counsel emailed a document

6 over to us today, which we have marked as

7 Exhibit 1.

8 (Exhibit 655 was marked for

9 identification by the court reporter and is
08:07:53 10 attached hereto.)

11 Q. (By Ms. Weaver) And did you discuss with
12 your counsel how exhibits are marked in these
13 remote kinds of depositions?

14 A. Yes.

08:08:00 15 Q. Okay. So do you have Exhibit Share up?

16 A. Uh-huh. Yes, I have it up.

17 Q. And you can see Exhibit 1?

18 A. Yes.

19 Q. Okay. And what is Exhibit 1?

08:08:18 20 A. It's a document I put together for how I
21 prepared for today.

22 Q. Okay. And when did you prepare it?

23 A. I summarized this yesterday, this
24 document.

08:08:32 25 Q. And were there other underlying notes

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08:08:35 1 that you used to prepare this?

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: It was a summary document
4 so it collated my calendar to get to the -- the

08:08:44 5 hours that we looked at.

6 I'm -- I'm not sure if that's exactly
7 what you meant.

8 Q. (By Ms. Weaver) No, that's fair. That's
9 fine.

08:08:53 10 Just trying to understand -- you actually
11 yourself created the document; is that right?

12 A. Yes.

13 Q. Okay. And when you -- you wrote
14 "Approximately 36 hours with counsel."

08:09:06 15 Do you see that?

16 A. Yes.

17 Q. Which counsel are you referring to?

18 A. Gibson Dunn. So Matt Benjamin and the
19 broader team.

08:09:16 20 Q. And who else other than Mr. Benjamin?

21 A. Martie Phuntso. Matt -- Matt Bongiorno,
22 the other Matt. Rose Ring and Naima Farrell.

23 Q. Okay. And anyone else?

24 A. I don't believe so from the Gibson Dunn

08:09:36 25 team. And then Ian Chen, our -- my -- the -- the

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08:09:39 1 Meta lawyer who's also on the call.

2 Q. Okay. Did you meet with any other

3 lawyers during those 36 hours?

4 A. No.

08:09:49 5 Q. Okay. Did you meet with any lawyers to
6 prepare at all?

7 A. No, not aside from these lawyers.

8 Q. Okay. Sometimes I'm asking you questions
9 and it may seem curious to you. But again, we're
08:10:02 10 laying foundation for a record that I'm just trying
11 to make sure that I'm not missing something.

12 When did you meet with counsel during
13 those 36 hours?

14 A. Those have been divided up over multiple
08:10:16 15 weeks. I think originally, towards the end of May,
16 and then sessions over time that varied between an
17 hour and three to four hours long. And I don't
18 remember the exact number of sessions.

19 Q. And during those sessions, did counsel
08:10:32 20 provide you with documents?

21 A. We discussed the documents for this
22 deposition. And then as well as documents from my
23 prep, whether that was external -- Facebook
24 documents or documents that -- that we worked
08:10:46 25 through about the products or anything relevant.

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08:10:50 1 Q. And when you say "the external," what did
2 you mean?

3 A. Sorry. I mean, articles such as like our
4 help center or our news blog posts, areas where
08:11:01 5 we've discussed our targeting and ranking
6 externally. And then as well as our internal
7 references about those products as well.

8 Q. And when you say "internal references,"
9 what are you referring to?

08:11:15 10 A. For example -- I'm trying to think of a
11 good example that makes sense.

12 I -- I'm -- I can double-check. I think
13 we used an internal Wiki, which is kind of like our
14 version of how we -- how -- how our internal, like
08:11:41 15 way of documenting for teams to reference.

16 And similar if -- if any internal
17 announcements that were relevant. So I -- I
18 believe looking at like an internal announcement
19 that helps us get our sales teams in -- prepared
08:11:58 20 for an external announcement. So that's the --
21 that's an example of -- of an internal document
22 that I looked at.

23 Q. Got it.

24 And for the internal documents, did you

08:12:09 25 provide those to counsel to discuss or did they

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08:12:11 1 provide them to you?

2 MR. BENJAMIN: Objection to form.

3 MS. WEAVER: Let me ask differently.

4 Q. (By Ms. Weaver) Did you provide any of

08:12:19 5 those internal documents to prepare for your

6 deposition?

7 MR. BENJAMIN: Objection. Form.

8 THE DEPONENT: I'm -- did I provide them

9 to my counsel or in our conversations, or look at

08:12:31 10 them during those sessions?

11 I'm not totally sure what you mean.

12 Q. (By Ms. Weaver) Did -- did you yourself

13 identify any internal documents that you used to

14 prepare for this deposition?

08:12:46 15 A. Without anyone else? No, I -- I don't

16 think so.

17 Q. Okay. So the materials that you used to

18 prepare were largely, if not exclusively, curated

19 by the attorneys; is that right?

08:12:58 20 MR. BENJAMIN: Objection to form.

21 Misstates.

22 THE DEPONENT: I -- they weren't
23 exclusively from the legal team. They could have
24 been from the groups and the people we also worked
08:13:13 25 on with my prep, our employees that aren't lawyers.

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08:13:18 1 Q. (By Ms. Weaver) And did you provide any
2 documents to prepare?

3 MR. BENJAMIN: Objection. Form.

4 THE DEPONENT: I -- I don't believe I
08:13:25 5 did, no.

6 Q. (By Ms. Weaver) And how many documents
7 did the team that you met with provide?

8 A. The legal team or when --

9 (Simultaneously speaking.) ***

08:13:36 10 Q. (By Ms. Weaver) The nonlegal --

11 A. The legal team --

12 Q. Sorry.

13 A. Go ahead.

14 Q. That's my fault. I apologize.

08:13:45 15 How many documents did the nonlegal team
16 identify and provide for you to use in preparation
17 for this deposition?

18 MR. BENJAMIN: Objection. Form. Vague.

19 THE DEPONENT: I -- I think -- I can

08:14:00 20 think of like one document that -- that one of

21 the -- one of the people I was speaking to

22 referenced, and then I looked for that document.

23 Q. (By Ms. Weaver) And what document was

24 that?

08:14:13 25 A. It was one of the sales announcements

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08:14:14 1 that I referenced ahead of an external

2 announcement.

3 Q. And did you find it useful in terms of

4 preparing for your deposition?

08:14:24 5 A. Not particularly, to be honest.

6 Q. And why is that?

7 A. It didn't have -- it -- it didn't really

8 give me the information I was looking for.

9 Q. Okay. And what was the information you

08:14:35 10 were looking for?

11 A. I was trying to understand what was an

12 update we made in our targeting tools and it didn't

13 actually describe it particularly in detail. So it

14 was not a very ref- -- helpful reference.

08:14:48 15 Q. Got it.

16 And what year was the update that you
17 were thinking of?

18 A. It was --

19 MR. BENJAMIN: Objection to form.

08:14:57 20 THE DEPONENT: Sorry.

21 MR. BENJAMIN: Sorry, Isabella.

22 Objection. Form.

23 THE DEPONENT: It was 20- -- 2013 or

24 2014.

08:15:12 25 Q. (By Ms. Weaver) And did you find the

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08:15:14 1 answer that you were looking for with regard to
2 this update in 2013 and 2014?

3 A. Yes, I did.

4 MR. BENJAMIN: Objection.

08:15:22 5 Q. (By Ms. Weaver) And -- and what was the
6 issue, if you don't mind explaining?

7 A. Yeah, absolutely.

8 We had -- it was actually related to one
9 of the documents you -- you -- that's -- that was

08:15:32 10 part of the deposition, the exhibits. It was

11 related to the -- the removal of our reach

12 estimates.

13 Q. Okay. We'll return to that in a bit

14 because I think what I want to do is try to be a

08:15:47 15 little more methodical and talk about definitions,

16 et cetera.

17 Returning back to Exhibit 1 for just a

18 moment, you said -- you wrote here that you spent

19 eight hours preparing on your own; is that right?

08:16:01 20 A. Yes.

21 Q. What did you do to prepare on your own?

22 A. I largely reread the documents that were

23 submitted, and then read the -- the -- the

24 documents that the legal team had put together as

08:16:14 25 well.

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08:16:14 1 Q. Okay. And when you wrote, "documents

2 from Plaintiffs," did you mean the documents that

3 we identified for the deposition?

4 A. (Deponent nods head.)

08:16:26 5 Q. Okay.

6 A. Those as well as just the -- I -- I'm not

7 sure if it make a difference, but the ones

8 specifically I understood like the exhibits for

9 this dep- -- deposition. But then also like the

08:16:36 10 notice as well as the scenario documents.

11 Q. Great. Thank you.

12 And when you wrote "blog posts," what
13 were you referring to there?

14 A. Our external blog posts. So on our
08:16:50 15 Newsroom any -- any announcement we've made that
16 were relevant.

17 Q. And what did you understand the focus of
18 your testimony to be today, as you were preparing?

19 MR. BENJAMIN: Objection to form.

08:17:01 20 And Bella, to the extent that answering
21 that question would require you to disclose any
22 privileged communications or information, I'd just
23 ask you to carve that out of your answer.

24 But to the extent that you can answer
08:17:12 25 Ms. Weaver's question without disclosing privileged

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08:17:14 1 information, you should -- you should do so.

2 THE DEPONENT: I understood --

3 Q. (By Ms. Weaver) Go ahead.

4 A. I understood it to be about our -- our ad
08:17:24 5 delivery. So targeting and ranking, and the ways
6 that advertisers can place an ad on Meta.

7 Q. Okay. So what do you mean by "ad
8 delivery"?

9 A. So the way our ad system works is that it
08:17:58 10 is based on the choices advertisers make by
11 selecting a desired audience and ad settings to
12 help us understand the setup of their ad. And then
13 there is a secondary step which is about
14 determining from that eligible audience who will
08:18:12 15 actually see that ad. That's something we called
16 ranking.

17 That -- the end to end of this system is
18 called ad delivery. So the starting point of an
19 advertiser creating an ad to the end point of
08:18:23 20 someone seeing that ad.

21 Q. And what is the time frame that you
22 understand you are testifying to today?

23 MR. BENJAMIN: Objection to form.

24 And same caution, to the extent you can
08:18:42 25 answer the question without disclosing privileged

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08:18:44 1 information or communications, you should do so.

2 THE DEPONENT: I understood it to be
3 between the last 10 and 15 years. Over the course

4 of the last 10 to 15 years.

08:18:55 5 Q. (By Ms. Weaver) Okay. So 2012 or -- I
6 mean, I'll just -- I'm not -- to be transparent,
7 our class period is 2007 to the present.

8 A. That's what I understood, yes.

9 Q. Okay. Great.

08:19:08 10 So in 2007, was Facebook engaged in ad
11 delivery?

12 A. We did show ads in 2007.

13 Q. And how was it accomplished in 2007, and
14 how did it change over time, generally?

08:19:26 15 MR. BENJAMIN: Objection to form.
16 Compound. Vague.

17 THE DEPONENT: So advertisers have -- we
18 it's always been that an advertiser could set up an
19 ad and give us the creative of what they wanted to
08:19:40 20 run -- or to -- to be for that ad, the content.

21 Over the last 15 years, the system has
22 evolved to both provide additional targeting
23 options to advertisers for their selection, the
24 placement options, the ad ranking, the ad delivery.

08:19:59 25 Our machine learning has evolved. So a lot of the

08:20:03 1 system has changed over time.

2 I think the fundamental pieces of the
3 advertisers' involvement down to a user seeing the
4 ad somewhere on Facebook have been consistent. And
08:20:14 5 then over that same period, we've also updated our
6 transparency tools for users as well as the
7 controls they have for advertising.

8 Q. (By Ms. Weaver) So is it possible for
9 you to just lay out generally a chronology of
08:20:30 10 how -- let's carve out for a moment the
11 transparency tools and just talk about ad delivery
12 and how that changed over time at Facebook
13 beginning in 2007.

14 MR. BENJAMIN: Objection to form. Scope.

08:20:46 15 THE DEPONENT: I don't think that I can
16 lay out a detailed timeline of like specific years
17 of when machine learning was updated. But I can
18 talk through how that product has evolved, if
19 that's useful.

08:20:59 20 Q. (By Ms. Weaver) Great. That would be
21 great.

22 A. So over time you can think of our ad
23 delivery as many models that help us optimize and
24 understand some- -- whether someone would be
08:21:13 25 interested in an ad. The way those models function

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08:21:16 1 is that we incorporate people's activity on the
2 site, people's -- oh -- or -- and then across that
3 timeline, also people's activity off of Facebook to
4 help us understand whether they would be interested
08:21:26 5 in an ad.

6 So one of the examples of an update there
7 would be, in 2014, starting to include activity on
8 the website or app to help inform ads. And then
9 there have been smaller iterations about the type
08:21:44 10 of models and how those function in ad delivery
11 over those years.

12 Q. In 2007, how did Facebook record users'
13 activity on and off the platform?

14 MR. BENJAMIN: Objection to form.

08:21:59 15 Q. (By Ms. Weaver) Or generally the --
16 outside of the class period?

17 MR. BENJAMIN: Objection to form.

18 Sorry. Lesley, would you mind restating
19 the question just so it's clear to all of us.

08:22:08 20 Q. (By Ms. Weaver) In 2007, how did
21 Facebook record users' activity on and off the
22 platform?

23 MR. BENJAMIN: Thank you.

24 THE DEPONENT: Outside of our ad system?

08:22:21 25 Q. (By Ms. Weaver) For -- I'm -- using your

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08:22:23 1 words, you said that -- well, I'll just say, yes,
2 for use in ads -- in ads advertising, yeah.

3 A. Yeah. So --

4 MR. BENJAMIN: Objection -- objection to
08:22:39 5 form.

6 THE DEPONENT: In -- in 2007, we did not
7 use offsite, so -- or what I call offsite -- but
8 activity off of Facebook to inform ads. That was
9 something that was introduced in 2014.

08:22:57 10 Prior to that, we used activity on
11 Facebook. So that could be information people
12 provide as part of their profile or the
13 interactions they have on Facebook.

14 For example, like camp page interacting
08:23:08 15 with an ad would have informed that. That --
16 that's remained relatively consistent throughout
17 this period.

18 Q. (By Ms. Weaver) And when you say
19 "interacting with an ad," what do you mean?

08:23:20 20 A. That could be an ad click or ad comment.

21 Q. And just to be specific, when you say
22 "click," you mean -- well, what do you mean by
23 "click"?

24 A. When someone is shown an ad, there is a
08:23:36 25 call to action that the advertisers also defines in

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08:23:39 1 the setup of their ad. That could be something
2 like learn more. And they would go to a website,
3 it could be something looks like page. It could be
4 respond to an event.

08:23:51 5 So any number of those call to actions --
6 usually when I say "click," I mean that the person
7 actually took that action. They clicked on the
8 learn more.

9 Q. And, therefore, it's not linked
08:24:02 10 excessively to example -- for example, a purchase,
11 right?

12 (Simultaneously speaking.) ***

13 MR. BENJAMIN: Objection.

14 Q. (By Ms. Weaver) It can be anything?

08:24:08 15 MR. BENJAMIN: Objection to form.

16 THE DEPONENT: It is not specifically to

17 mean a purchase.

18 Q. (By Ms. Weaver) And when you said that
19 Facebook was recording users' on platform activity,
08:24:36 20 where is it recorded?

21 What did you mean by that?

22 MR. BENJAMIN: Objection to form.

23 THE DEPONENT: It is -- in order to run
24 our site, we maintain like a -- we understand that
08:24:52 25 the actions people take on the site, and that

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08:24:55 1 activity is what we then use for ads.

2 Q. (By Ms. Weaver) And how is that activity
3 identified and then used for ads?

4 MR. BENJAMIN: Objection to form.

08:25:10 5 Compound. Vague.

6 THE DEPONENT: Can -- do you mind
7 clarifying what you mean by "identified"?

8 Q. (By Ms. Weaver) Sure.

9 If Facebook User A is acting on the
08:25:23 10 platform, how does Facebook -- and let's say in the
11 period 2007 to 2014 -- how did Facebook identify
12 which activity to observe and record for use in
13 ads?

14 MR. BENJAMIN: Objection to form. Vague.

08:25:41 15 Calls for speculation.

16 THE DEPONENT: I think it wasn't that
17 something was recorded specifically for the use in
18 ads.

19 So as an example, if I liked a page, we
08:25:54 20 would know that I liked a page. And that was
21 because also I have -- when I go to my profile, I
22 need to see that I liked that page. That's
23 something that happens outside of ads completely.

24 Ads then -- our ad system can then use
08:26:09 25 that activity in order to help inform my future ads

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08:26:13 1 by understanding what my interests might be.

2 The -- does that get at what you were
3 asking?

4 Q. (By Ms. Weaver) Yes.

08:26:23 5 So when Facebook is using that activity,
6 was Facebook looking at whether or not that
7 activity was marked private or public by the user?

8 MR. BENJAMIN: Objection to form. Scope.

9 THE DEPONENT: No. Activity on Facebook
08:26:45 10 is we -- it's not quite differentiated in those two

11 buckets. And our -- we did not reference that
12 explicitly in use for ads.

13 Q. (By Ms. Weaver) So if I mark -- let's
14 say I liked a product, but only a restricted
08:27:07 15 audience had access to that like, did Facebook then
16 restrict the use of that like in advertising only
17 in relation to the people with whom I had shared
18 that like?

19 MR. BENJAMIN: Objection. Vague. Time
08:27:25 20 period.

21 THE DEPONENT: I think there are a few
22 things that I -- to -- to unpack there.

23 So a product, which I understand to mean
24 maybe something that a brand has posted, would be
08:27:38 25 from like a Facebook page. Those are public.

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08:27:41 1 There is only one setting for that -- that post.
2 And so when a user likes it, it is a public action
3 they are taking, and then we would use that for
4 ads.

08:27:49 5 I'm not sure if that gets to -- to the
6 example you gave.

7 Q. (By Ms. Weaver) Right. That's -- so

8 that's one scenario. But let's assume a scenario
9 where a friend posts something on the wall and I
08:28:00 10 like it. And that like indicates something about
11 me.

12 Does Facebook use that like to decide how
13 to target me for ads?

14 MR. BENJAMIN: Objection. Form. Vague.
08:28:14 15 Calls for speculation.

16 THE DEPONENT: We use people's activity
17 and it could include activity from liking a post.
18 It's not that we then target an ad to someone based
19 on that. It is still based on the advertiser's
08:28:27 20 desired audience.

21 So the way they've set up the parameters
22 for their audience. And then the information of
23 people's activity helps us understand if they would
24 be interested in an ad.

08:28:38 25 Q. (By Ms. Weaver) When Facebook is using a

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08:28:39 1 user's activity to identify advertiser's desired
2 audiences, is Facebook limiting users' activity
3 that is public, or is it also using activity
4 that -- for which users have restricted the

08:29:00 5 audience?

6 MR. BENJAMIN: Objection. Form. Vague.

7 THE DEPONENT: I -- today, I do not
8 believe that we use the -- actually, there's a
9 clarification here that's important.

08:29:20 10 We use people's activity not just in
11 terms of like they -- the exact action they took,
12 but also aggregated. So the fact that you were
13 active on Facebook in the last month is something
14 that we would understand and use in order to inform
08:29:37 15 an ad.

16 There isn't a distinction there of
17 whether or not that activity -- the fact that you
18 were active in the last month is public or private.
19 So I -- I'm not sure that there's a clear way to
08:29:47 20 answer what you're getting at.

21 Q. (By Ms. Weaver) So for aggregated
22 activity, there's no distinction between public and
23 private. And public and private access --
24 activities are all in one bucket; is that fair?

08:30:01 25 MR. BENJAMIN: Objection. Form.

24

****CONFIDENTIAL ROUGH DRAFT****

08:30:02 1 Misstates. Vague.

2 THE DEPONENT: There are -- our -- the
3 way people interact with the platform and -- and
4 what they do on the platform does not fall into
08:30:17 5 buckets of private and public. And.

6 So all -- also, when we think of like if
7 you've been active in the last month, it doesn't
8 differentiate between those because they're not a
9 concept within the activity on our platform.

08:30:29 10 Q. (By Ms. Weaver) So in 2014 -- let's use
11 the not aggregated example.

12 In 2014, when a user engaged in a
13 specific activity and that activity was designated
14 for a restricted audience, meaning something less
08:30:51 15 than public, did Facebook use that activity to help
16 curate audiences for advertiser?

17 MR. BENJAMIN: Objection form.

18 THE DEPONENT: It's not that curating
19 can -- curating audiences for advertisers, I'm not
08:31:14 20 really sure exactly what that means.

21 If it's that we have a targeting option
22 and an advertiser has defined their target audience
23 and then in order to deliver that ad, we use
24 people's activity, and it's not differentiated
08:31:30 25 between public or private.

****CONFIDENTIAL ROUGH DRAFT****

08:31:34 1 Q. (By Ms. Weaver) And is that true for the
2 entire class period, 2007 to the present?

3 A. I'm not sure if there have been
4 carve-outs in some manner throughout that. I
08:31:48 5 think -- in -- in a way that maps to private or
6 public. Because, again, it -- it's not really
7 what -- reflective of our system works.

8 Q. And when you say "It's not reflective of
9 how our system works," can you describe what you
08:32:01 10 mean, or can you kind of explain what you mean?

11 A. Yes. So something such as liking a page,
12 I think, is what you're referencing as public.
13 Other areas -- things like looking at an ad or
14 watching or -- or -- or looking at a photo, those
08:32:19 15 are activity.

16 I'm not sure how we would designate those
17 as public or private because it's not something
18 that's -- necessarily has a trace that leaves
19 behind. It's something that is activity that is on
08:32:30 20 our platform. Those are interactions, even if it
21 isn't a like or a comment.

22 Q. And are all of those interactions used in
23 some form for advertising?

24 MR. BENJAMIN: Objection.

08:32:44 25 THE DEPONENT: No.

26

CONFIDENTIAL ROUGH DRAFT

08:32:44 1 MR. BENJAMIN: Form.

2 Q. (By Ms. Weaver) What are the forms that
3 are used -- what are the activities that are used
4 for advertising?

08:32:51 5 A. We use ** Lark -- page and ad engagement.
6 So the interactions I was talking about before. We
7 use whether -- how someone has interacted with our
8 products. For example, how they connect to
9 Facebook. And if they're using browser or mobile

08:33:08 10 and that -- that type of information. We use
11 information they provide on their profile.

12 And then like I was saying, the -- the
13 more aggregated statistics of have -- have they
14 logged in the last month. Are they an active page

08:33:26 15 user. Are they -- those are examples.

16 Q. Does Facebook use, for example,
17 information about likes that users post for
18 advertising?

19 A. Can you clarify --

08:33:46 20 MR. BENJAMIN: Objection.

21 Q. (By Ms. Weaver) Do you know what a like
22 is?

23 A. Yes. I -- I'm not sure what you mean by
24 information about a like. Just that a like

08:33:57 25 occurred?

27

CONFIDENTIAL ROUGH DRAFT

08:33:57 1 Q. Sure.

2 A. We --

3 Q. Does Facebook use likes for advertising?

4 A. Yes, we do. As an example, page likes
08:34:04 5 would be something that we use. An ad like would
6 be also another example.

7 Q. Does Facebook use likes on other content
8 for advertising?

9 A. Yes. I don't think that it is like all
08:34:23 10 likes. But I'm not sure that there is a click or
11 differentiation of what has been in the system over
12 the entire -- from 2007 until to now -- now.

13 Q. Did Facebook's policy or practices change
14 with regard to which likes it uses for advertising
08:34:40 15 over time?

16 MR. BENJAMIN: Objection to form and
17 scope.

18 THE DEPONENT: I -- what -- for -- I

19 don't think that there were like rules that have

08:34:53 20 been changed. That -- that's not something I

21 recall.

22 Q. (By Ms. Weaver) So if a friend wrote a

23 post and I liked it, would that be used for

24 advertising at Facebook?

08:35:12 25 A. That -- that example would not be used.

28

CONFIDENTIAL ROUGH DRAFT

08:35:14 1 Q. Why not?

2 A. Honestly, I think we have found that the

3 page and ad engagement, which was the center of all

4 of this, and activity we used up until that -- up

08:35:27 5 until the -- besides that piece, has been helpful

6 for understanding people's interests and that

7 wasn't something that was included.

8 Q. And when you say "advertising," what do

9 you mean?

08:35:45 10 A. I mean specifically an ad that has been

11 created by an advertiser and placed through our ad

12 creation tool, such as ads manager, with a desired

13 audience and a bid. And then that they pay for the

14 placement of that ad. So when we show that ad,

08:36:03 15 they pay for that impression.

16 Q. I would -- I'm trying to understand what
17 is excluded by your definition of "advertising" in
18 term of ways that Facebook is compensated for
19 allowing the targeting of users.

08:36:22 20 Are there examples of ways in which
21 Facebook shares information about users that you
22 think is excluded from the definition of
23 advertising?

24 MR. BENJAMIN: Objection to form.

08:36:38 25 Argumentative. Vague.

29

****CONFIDENTIAL ROUGH DRAFT****

08:36:43 1 THE DEPONENT: So my definition is
2 specifically about the -- what -- what is like paid
3 advertising. I don't -- I'm not quite sure what
4 you mean in terms of other ways people could access
08:36:56 5 information. I'm happy to -- to understand that
6 better.

7 Q. (By Ms. Weaver) Okay. So you're
8 excluding, for example, research from advertising;
9 is that an example of something you're excluding?

08:37:07 10 MR. BENJAMIN: Objection to form.

11 Misstates. Argumentative.

12 THE DEPONENT: Do you mean research such
13 as someone -- I'm -- I'm not -- I'm not actually
14 sure what you mean by that.

08:37:18 15 What would be an example?

16 Q. (By Ms. Weaver) Is there a research
17 department at Facebook?

18 A. We do have an internal --

19 MR. BENJAMIN: Objection to form.

08:37:25 20 Objection to form and scope.

21 THE DEPONENT: We --

22 MR. BENJAMIN: You can answer.

23 THE DEPONENT: We do have an internal
24 research department, yes.

08:37:31 25 Q. (By Ms. Weaver) And are you excluding

30

****CONFIDENTIAL ROUGH DRAFT****

08:37:33 1 from your definition of advertising the way that --
2 that research department might use information
3 about users, in your discussion today?

4 A. Yes. I --

08:37:45 5 MR. BENJAMIN: Objection to form.
6 Objection to form and scope.

7 THE DEPONENT: Yes, I am. But I'm not
8 sure I understand how our internal research

9 department is related to an -- an -- a nonMeta
08:37:59 10 advertiser either.

11 Q. (By Ms. Weaver) Right. Okay. I'm just
12 trying to understand if there are certain ways in
13 which information about users is recorded by
14 Facebook and still shared, but that is excluded
08:38:13 15 from your definition -- definition of advertising?

16 A. I wouldn't consider our internal --
17 internal research department sharing information.
18 It is -- they are a part of Meta.

19 Q. Okay. And you're not capable of
08:38:34 20 testifying about the research department; is that
21 right?

22 MR. BENJAMIN: Objection to form. The
23 characterization. And also to note that the scope
24 of the deposition was the subject of numerous
08:38:44 25 meet-and-confers and correspondence between --

31

****CONFIDENTIAL ROUGH DRAFT****

08:38:46 1 (Simultaneously speaking.) ***

2 MS. WEAVER: I just asked for an answer.

3 THE DEPONENT: That's correct. I'm not

4 an expert on the research department or the breadth

08:38:54 5 of research that we do and don't do.

6 Q. (By Ms. Weaver) Got it.

7 So you've defined advertising as when an
8 ad is created by an advertiser and placed through
9 our ad creation tool, such as ads manager.

08:39:28 10 If an ad is not created by the
11 advertiser, does Facebook itself create ads?

12 A. We do not create ads for a third party.
13 We -- we do -- we are also an advertiser on our own
14 platform. And then we also use our creation tools

08:39:47 15 to create that ad.

16 Q. And are you testifying on that topic
17 today?

18 A. About our -- our own ads?

19 Q. Yes.

08:40:01 20 A. To the extent that it relates to our
21 targeting and ad delivery, yes, because it's the
22 same system. In terms of like our marketing
23 efforts, probably not. No, I don't think I'm an
24 expert on that.

08:40:14 25 Q. Okay. And you also said you were

32

****CONFIDENTIAL ROUGH DRAFT****

08:40:21 1 limiting advertising -- and I'm just trying to
2 parse it out -- to "an ad is created by an

3 advertiser and placed through our ad creation
4 tool."

08:40:31 5 So are you excluding examples where the
6 ad is not placed through the ad creation tool or is
7 that just part of -- in your process?

8 A. That's just part of the process. It's
9 not an exclusion. There aren't -- it's not a way
08:40:46 10 to exclude other ads.

11 Q. Okay. And then you said they pay for the
12 placement of that ad, or they pay for an
13 impression; is that right?

14 A. Yes.

08:41:00 15 Q. Okay. Is that the only thing that third
16 parties pay Facebook for with regard to
17 advertising?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: Do you mean in terms of --
08:41:19 20 of an ad that they've tried to create and deliver.

21 Q. (By Ms. Weaver) Yes.

22 A. Yes. Is -- they pay for the impression
23 delivered or -- or the -- the fact that we have
24 shown that ad to someone is -- is what an
08:41:34 25 advertiser is paying for.

****CONFIDENTIAL ROUGH DRAFT****

08:41:39 1 Q. Is it fair to say that different metrics
2 can be established for purposes of triggering
3 payment in an agreement with an advertiser?

4 A. I'm not sure what you mean. Do you mind
08:41:53 5 clarifying.

6 Q. Do advertiser pay for -- can they agree
7 to pay for views or impressions or clicks, or some
8 other metric?

9 A. They -- they choose the objective of
08:42:04 10 their ad, and that is part of what defines -- what
11 their -- the action that they're effectively paying
12 for. So you can -- when -- when they choose that
13 objective, there's -- there are various options.
14 One of them might be people's clicks and views. So
08:42:24 15 if like a reach or brand awareness would probably
16 be looking for views. And those are the actions
17 that take.

18 The -- when -- when someone sets up their
19 ads -- their ad, they are given the option --
08:42:38 20 look -- I said to set their objective and their
21 bid. And then that helps determine the payment
22 when the ad is actually shown and that action is
23 taken.

24 Q. Okay. If we can, I'd like to break down

08:42:51 25 some of the definitions here, just to back it up a

34

****CONFIDENTIAL ROUGH DRAFT****

08:42:53 1 little bit.

2 So could you identify the general buckets
3 of actions taken for which Facebook receives
4 payment from advertisers?

08:43:06 5 MR. BENJAMIN: Objection to form.

6 THE DEPONENT: Actions taken by -- by
7 people viewing the ad or by the advertiser?

8 I'm sorry.

9 Q. (By Ms. Weaver) By the users.

08:43:16 10 A. So I believe that payment -- so --

11 viewing an ad is what we charge an advertiser for.
12 It is the impression. There are ways to cut the
13 cost that helps an advertiser understand whether it
14 was the -- what the -- the -- the cost per action

08:43:41 15 was.

16 So for example, if we show an ad 100
17 times, there will be a cost per impression. If
18 we -- that ad was only clicked 20 times, there will
19 be a cost per click.

08:43:54 20 Those are the -- the -- the breakdown of

21 the payments that the advertiser is then invoiced

22 and that they make to us is based on the
23 performance of that ad.

24 Q. And when you say "view," what do you

08:44:09 25 mean?

35

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08:44:11 1 A. If I'm going through my newsfeed and I
2 see an ad as a user, that is an impression. It's
3 a -- or a view, sorry -- view is probably more
4 colloquial. But it is the impression of me seeing
08:44:24 5 the ad.

6 Q. And how does Facebook know that a user
7 saw the ad?

8 A. Because we know that a user is on
9 Facebook, and they are scrolling through their
08:44:35 10 newsfeed.

11 Q. And is Facebook then recording
12 specifically what each user views?

13 A. We do know what people view.

14 Q. And does Facebook record that so it can
08:44:51 15 record it to the third party for payment purposes?

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: I'm not sure if -- can you
18 walk me through -- maybe "record" is throwing me

19 here. And what --

08:45:04 20 Q. (By Ms. Weaver) Okay.

21 A. -- do you mean by report back to the
22 advertiser?

23 Q. I'm using "record" because you used
24 record.

08:45:10 25 A. Okay.

36

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08:45:11 1 Q. What did you mean by "record" when you
2 used it?

3 A. Just that it is logged. So we have --
4 when someone goes in their newsfeed and they see a
08:45:20 5 ad, we know that they saw an ad. We do use that to
6 say one person saw this ad. And when we share
7 information back to the advertiser, we share
8 aggregated reporting information so they would know
9 in aggregate how many people saw an ad. We don't
08:45:37 10 share that "I, Bella, saw the ad."

11 Q. But in its base, Facebook must have a
12 record that you, Bella, saw the ad because somehow
13 you've got to aggregate, right?

14 A. Yes. We do know that I saw the ad. But
08:45:56 15 we don't share that with the advertiser.

16 Q. Did that change over time?

17 A. No, not to my knowledge.

18 Q. Okay.

19 A. Sorry, Matt.

08:46:05 20 Q. So from 2007 to the present, did Facebook
21 at any point in time share with advertisers who
22 specifically saw what ad?

23 A. Our performance and reporting to
24 advertisers is aggregated. And it explains the
08:46:20 25 performance of their ads, not the people who saw

37

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08:46:22 1 their ads. And that's been consistent.

2 Q. And has it -- the size of the aggregated
3 groups that Facebook reported to advertisers
4 changed over time?

08:46:47 5 A. I -- I would assume it has. I don't know
6 what that timeline looks like or the -- the
7 changes, specifically.

8 Q. In general, is it fair to say that the
9 groups have gotten larger in part as an attempt to
08:47:06 10 protect the identification and re-identification of
11 users, when reporting to advertisers who has seen
12 what advertisement?

13 MR. BENJAMIN: Objection to form.

14 THE DEPONENT: Again, I don't know

08:47:19 15 exactly what those changes are or the trend in --

16 to -- to confirm that.

17 Q. (By Ms. Weaver) Did Facebook have a

18 policy about that?

19 MR. BENJAMIN: Objection to form.

08:47:33 20 THE DEPONENT: I don't think that there's

21 been an explicit consistent policy about that, in

22 terms of -- over the entire period.

23 Q. (By Ms. Weaver) Are you aware of any

24 policies that relate to it during any time period?

08:47:52 25 MR. BENJAMIN: Objection to form. Scope.

38

****CONFIDENTIAL ROUGH DRAFT****

08:47:55 1 THE DEPONENT: For ads, we -- we -- we do

2 aggregate. I don't think that -- or I'm not aware

3 of a -- a one threshold that is -- that happens

4 throughout.

08:48:09 5 I think that those are evaluations with

6 the privacy and policy and legal teams that help

7 establish it for that product and what makes sense

8 in terms of potential re-identification or not.

9 Q. (By Ms. Weaver) Who on those teams is

08:48:24 10 knowledgeable about this topic?

11 A. I would expect our privacy team would be
12 and I -- I don't have a name off the top of my
13 head.

14 Q. Okay. If you think of a name during the
08:48:38 15 course of the deposition, will you circle back?

16 A. Yeah.

17 Q. Thank you.

18 When you say "that product" -- you said
19 the privacy and legal team establish a threshold
08:48:56 20 for that product, what did you mean by "product,"
21 in general?

22 A. Yes. Sorry. That was very internal
23 speak.

24 That would be, as an example, something
08:49:06 25 that I consider a product or our targeting options.

39

****CONFIDENTIAL ROUGH DRAFT****

08:49:10 1 So one of those options could be a product.

2 In this case, I was thinking more
3 specifically about our ad reporting UI and the --
4 the metrics that we provide there as a product.

08:49:24 5 Q. When you said "ad reporting UI," you mean
6 ad reporting user interface; is that right?

7 A. As an advertiser, when I create the ad in
8 ads manager, as an example, the interface that I go
9 back to, to understand how that ad is performing.

08:49:40 10 Q. And what metrics are you referring to
11 when you said the metrics we provide is a product
12 in the UI?

13 A. So as an example, the number of
14 impressions an ad has received. The number of
08:49:54 15 clicks it's received.

16 Q. And to return a little bit to where we
17 are and just close it out.

18 Are there any other metrics that Facebook
19 reports to advertisers?

08:50:08 20 A. Outside of performance metrics?

21 Q. Yes.

22 MR. BENJAMIN: Objection to form.

23 THE DEPONENT: No.

24 Q. (By Ms. Weaver) And over the class
08:50:18 25 period, is that true as well?

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****CONFIDENTIAL ROUGH DRAFT****

08:50:24 1 MR. BENJAMIN: Objection. Form.

2 THE DEPONENT: Again, related to ads
3 reporting, it is based on the performance of those

4 ads. And I'm not -- I don't think that there are
08:50:38 5 other metrics that we report outside of the
6 performance of their ads.

7 Q. (By Ms. Weaver) And with regard to
8 performance metrics, does -- has Facebook ever
9 provided any information other than clicks and
08:50:50 10 views?

11 A. The cost per clicks is an example. The
12 payment -- or the -- the -- how much it has cost
13 them to run that ad. There's a series -- I'm
14 happy -- maybe that's -- I don't know the full
08:51:07 15 list, but I'm happy to get -- make sure that
16 there's a screenshot provided of the UI.

17 Q. What is a cost per click?

18 A. A cost per click is over -- the amount an
19 advertiser has spent. If they spent five dollars
08:51:22 20 and they got 20 clicks in the delivery of that ad,
21 the cost per click is literally the -- the amount
22 spent per click. So the average cost per click.

23 Q. And what is payment per click?

24 A. It's not a payment per click. It's just
08:51:40 25 the total they spend divided by the -- how much --

08:51:46 1 how many clicks they got. And then their total
2 payment is how much they're charged for that ad.

3 Q. Okay. In terms of the targeting
4 categories advertisers can identify, can you
08:52:14 5 generally describe *** all of them?

6 A. Yeah, absolutely.

7 MR. BENJAMIN: Objection. Vague.

8 THE DEPONENT: For -- so just as a
9 starting point, when we say "identify," I -- I --
08:52:27 10 this -- what I'll describe is what's in -- what we
11 provide to advertisers for them to set their
12 desired audience.

13 So when an advertiser goes to create an
14 ad, like I said, they give us the content of their
08:52:39 15 ad. So what they want it to look like when it's
16 run on Facebook. And then they set up their
17 objective and the budget, the pacing, et cetera.
18 And then they get to the -- the audience portion.

19 And there they're given options that we
08:52:55 20 often bucket into what's called core audiences.
21 And that might be demographics and location. So
22 they're selecting whether they want to reach an age
23 range and what that age range is. And then whether
24 they want to reach everyone or men or women.

08:53:10 25 And then they select the location. So

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08:53:14 1 for example, if they want to reach all of the state
2 of Washington or -- or kind of within that, what
3 realm, where they want their ad to be shown.

4 Outside of our core audiences, we also
08:53:25 5 have what is called like detailed targeting. And
6 that's -- that's based off -- or that's -- those
7 are -- examples are interests or behaviors.

8 So interest might be things like hobbies,
9 topics, public figures that people have engaged
08:53:41 10 with. And then behaviors might be the way they
11 connect to Facebook, their purchase behavior. So
12 whether they've bought things before. If they
13 interact with games, as an example.

14 And then there are custom -- custom
08:53:56 15 audiences which largely break down into customer
16 lists. So an advertiser providing information
17 about their existing customers in order to reengage
18 them. Website custom audiences and app custom
19 audiences. And then our engagement custom

08:54:15 20 audiences, which is to reengage people who already
21 interacted with your -- your page on Facebook.

22 Q. (By Ms. Weaver) So in your

23 understanding, is custom audiences a subset of
24 detailed targeting?

08:54:36 25 A. No. We usually consider it separate.

43

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08:54:40 1 Q. And why is it separate?

2 A. I mean, in large part because of the way
3 we've structured the UI and how our conversations
4 with advertiser have been about the flow of it.

08:54:52 5 It's also somewhat different in terms of the
6 information that backs those -- those targeting
7 options.

8 So detail targeting, like I said, is --
9 is -- are things like interests and behaviors.

08:55:04 10 Those are based on activity. Whereas, something
11 like a custom audience is really much more specific
12 to that advertiser. It's information about their
13 existing customers. And so it's -- it's somewhat
14 distinguished both from an advertiser mental model
08:55:19 15 but also in the UI.

16 Q. Okay. So I'm hearing that there are --
17 well, in the -- is engagement custom audiences a
18 subset of custom audiences?

19 A. Yes.

08:55:34 20 Q. And is that based on a -- different
21 information that's backing it?

22 A. Yes.

23 Q. So just to clarify, the custom audiences,
24 they're -- those kind of three types, each one of
08:55:50 25 those would have different information that backs

44

****CONFIDENTIAL ROUGH DRAFT****

08:55:53 1 it.

2 Q. And for the record, those three types
3 are?

4 A. Customer lists. And then website custom
08:56:03 5 audiences. App custom audiences. And then the
6 last kind of bucket is the engagement custom
7 audiences.

8 Q. And what's an engagement custom audience?

9 A. When an advertiser has a page -- page on
08:56:16 10 Facebook, people will like interact, follow that
11 page. The engagement custom audience is a way for
12 an advertiser to say "I want the audience of my ad
13 to be the people who have chosen to follow my
14 page."

08:56:30 15 Q. Okay.

16 A. And so on -- on Meta or on Facebook

17 activity to -- to -- for an advertiser to reengage
18 with their existing audience on Facebook.

19 Q. So recap, is it fair to say that you've
08:56:46 20 identified three kinds of targeted advertising core
21 audiences to detail targeting and three custom
22 audiences?

23 A. Yes.

24 MR. BENJAMIN: Objection to form.

08:57:00 25 Q. (By Ms. Weaver) And other than those

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****CONFIDENTIAL ROUGH DRAFT****

08:57:02 1 three, are you aware of any other kind of targeted
2 advertising that has occurred at Facebook from 2007
3 to the present?

4 MR. BENJAMIN: Objection to form.

08:57:11 5 THE DEPONENT: Other kinds of advertising
6 usually fit in with those three if -- those are how
7 we've characterized and captured our targeting
8 options for many years.

9 Q. (By Ms. Weaver) And when you say "for
08:57:27 10 many years," can you identify -- be a little bit
11 more specific?

12 A. I think from 2007 onwards. I mean,
13 that -- those -- that's how we describe the

14 categories of the types of targeting.

08:57:39 15 Q. And when you say "other kinds of
16 advertising," are you thinking of other specific
17 examples that you would slide into one of these
18 three buckets?

19 A. As an example, we used to have partner
08:57:54 20 categories. That's something that would have fit
21 under the detailed targeting and has since been
22 deprecated.

23 Q. Anything other than partner categories
24 that you're thinking of?

08:58:06 25 A. That was what I was thinking of

46

****CONFIDENTIAL ROUGH DRAFT****

08:58:08 1 specifically. There have been -- I mean, changes
2 within what we offer over the years, but I think
3 the -- the structure of the three types is pretty
4 consistent.

08:58:20 5 Q. And I should have said this at the
6 outset. But you're here testifying on behalf of
7 Facebook today, right, you're aware of that?

8 A. Yes.

9 Q. Okay. So when you're saying "you," it's
08:58:29 10 the Facebook you, unless you are telling me it's

11 your personal knowledge, correct?

12 A. Correct.

13 Q. And that applies to your previous

14 testimony and your testimony going forward,

08:58:38 15 correct?

16 A. Correct.

17 Q. Okay. Thank you.

18 What do you understand partner categories

19 to mean?

08:58:45 20 A. Partner categories were targeting options

21 that were built off of agreements with data brokers

22 where we might not have had that information. And

23 so it was a way to connect in information that

24 advertisers found relevant to their ads and provide

08:59:02 25 that as a way for them to define their audience on

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08:59:05 1 Facebook.

2 Q. And in this instance, when you define

3 advertisers, are you including the data brokers or

4 Facebook as well?

08:59:18 5 MR. BENJAMIN: Objection to form and

6 scope.

7 THE DEPONENT: I -- the advertiser is the

8 person buying the ad.

9 I'm not sure if that answers your

08:59:29 10 question.

11 Q. (By Ms. Weaver) And sometimes did

12 Facebook buy an ad?

13 A. We do run our ads on our own platform,

14 yes.

08:59:37 15 Q. And do you know if Facebook bought ads

16 through partner categories?

17 A. So it's not --

18 MR. BENJAMIN: Objection to form and

19 scope.

08:59:45 20 THE DEPONENT: It's not that you're

21 buying an ad through a partner category. The

22 partner category, as an example, like grocery

23 shoppers, is one of the options in the creation of

24 the ad through our -- our ad creation, so like ad

09:00:02 25 manager.

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09:00:02 1 It would have been something someone can

2 select to define their audience. When we create an

3 ad, we also use those options. So I -- I honestly

4 can't definitively say whether we did or didn't

09:00:13 5 ever use a partner category.

6 Q. (By Ms. Weaver) And how long were
7 partner categories in existence?

8 A. They were deprecated in --

9 MR. BENJAMIN: Objection -- objection to
09:00:24 10 form and scope.

11 THE DEPONENT: They were deprecated in
12 2018. And they were brought onto the platform
13 several years earlier. But I don't know the exact
14 year.

09:00:40 15 Q. (By Ms. Weaver) Who made the decision to
16 deprecate partner categories?

17 MR. BENJAMIN: Objection to form and
18 scope.

19 THE DEPONENT: This was not a singular
09:00:50 20 person's decision to deprecate partner categories.

21 Q. (By Ms. Weaver) Okay. But who -- who at
22 Facebook, in general, whether it's a team or a
23 name, decided to deprecate partner categories?

24 A. This would have been --

09:01:01 25 MR. BENJAMIN: Objection to form and

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09:01:03 1 scope.

2 THE DEPONENT: -- a decision across the
3 ads product policy and legal cross-functional team.

4 Q. (By Ms. Weaver) And what's your
09:01:12 5 understanding of why that decision was made?

6 MR. BENJAMIN: Objection to form and
7 scope.

8 THE DEPONENT: My understanding is that
9 we -- we felt that over time people's expectations
09:01:23 10 had evolved and that partner categories weren't
11 something that we wanted to offer any longer.

12 Q. (By Ms. Weaver) How were partner
13 categories not consistent with people's
14 expectations?

09:01:39 15 MR. BENJAMIN: Objection to form. Calls
16 for speculation. Vague and scope.

17 THE DEPONENT: My understanding is it's a
18 type of data coming in. And though -- although it
19 was transparent, there was decision to not offer
09:01:55 20 those any longer.

21 Q. (By Ms. Weaver) And you're saying the
22 partner category is an example of detailed targeted
23 advertising, right?

24 A. It -- it falls into that bucket, yes.

09:02:10 25 Q. And -- and you're testifying about

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09:02:13 1 targeted advertising today, right?

2 A. About our ad targeting and ad delivery,
3 yes.

4 Q. Okay. And as you sit here today, can you
09:02:24 5 explain why Facebook deprecated the kind of
6 detailed targeted advertising that was called
7 partner categories?

8 MR. BENJAMIN: Objection to form. Scope.

9 THE DEPONENT: We consistently look at
09:02:43 10 the targeting options we provide. We've deprecated
11 a number of options, to partner categories is an
12 example. That assessment is often done across the
13 group, including with our product teams. And this
14 wasn't a product they wanted to continue to
09:02:56 15 support.

16 Q. (By Ms. Weaver) That's very general and
17 it doesn't actually help me understand. So let me
18 just try -- I'll ask a different question. Forget
19 all the other examples.

09:03:07 20 With regard to partner categories, why
21 did Facebook -- what were the reasons that Facebook
22 decided to deprecate them?

23 MR. BENJAMIN: Objection to form. Scope.

24 And to the extent that answering

09:03:24 25 Ms. Weaver's question would require you to disclose

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09:03:27 1 privileged information, please carve that out of
2 your answer.

3 To the extent you can answer the
4 question, please do so.

09:03:34 5 THE DEPONENT: I think I've answered the
6 question to -- to that extent.

7 I mean, we look at our products and we --
8 we determine which ones to continue supporting.
9 Partner categories was one that was then

09:03:46 10 deprecated.

11 Q. (By Ms. Weaver) What particular
12 characteristics of partner categories did Facebook
13 consider and then decide the reason for deprecating
14 it?

09:03:58 15 A. They were -- sorry. Go ahead, Matt.

16 MR. BENJAMIN: Objection to form. Scope.
17 And the same caution regarding privilege.

18 THE DEPONENT: These were a place where
19 we had data in. It was part of the decision, but

09:04:13 20 I -- this was just a product that was no longer

21 going to be supported.

22 Q. (By Ms. Weaver) So I'm -- I'm trying to
23 understand the reasons for the decision, and you
24 keep just telling me what the decision was.

09:04:24 25 So let me try it this way. When Facebook

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09:04:27 1 decides to deprecate a product, what are the
2 considerations?

3 MR. BENJAMIN: Objection to form.

4 Q. (By Ms. Weaver) Let me restate it.

09:04:39 5 When Facebook decides to discontinue an
6 advertising product, what are the reasons, in
7 general?

8 A. We'll look at their use, whether it's
9 performing well. Is it helping deliver ads that
09:04:55 10 are relevant and interesting. Whether advertisers
11 want it or not.

12 And then also our understanding -- like
13 from the policy side, we'll also understand whether
14 or not these are areas that -- that other groups
09:05:12 15 use and industry standard.

16 I mean, there's a number of
17 considerations, all kind of from everyone's

18 expertise. And I'm sure that's what was applied in
19 those conversations as well.

09:05:24 20 Q. Does Facebook consider user expectations
21 in reaching such decisions?

22 A. Yeah, absolutely. We -- we work to
23 understand what our -- what our user base would
24 want and -- and how they would prefer our product
09:05:40 25 to be built as well.

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09:05:41 1 Q. Did Facebook consider user expectations
2 when considering whether or not to deprecate
3 partner categories?

4 MR. BENJAMIN: Objection to form. Scope.
09:05:49 5 And the same instruction regarding privilege.

6 THE DEPONENT: Yes. I think because it
7 is always a consideration across all of our
8 decisions.

9 Q. (By Ms. Weaver) Who specifically would
09:06:07 10 know why Facebook deprecated partner categories?

11 A. Again, it was a group decision. I mean,
12 across the cross-functional group. I'm happy to --
13 to work with the team to figure out who might be --
14 who might have been part of that conversation,

09:06:22 15 specifically.

16 Q. Yes. We would like to know by name who
17 was involved in the decision to deprecate partner
18 categories.

19 And as you sit here today, you can't
09:06:33 20 provide that information; is that right?

21 MR. BENJAMIN: Objection to form.
22 Misstates. And objection to scope.

23 THE DEPONENT: I've provided from the
24 targeting side the way that we assess these
09:06:44 25 decisions. And I -- I'm not sure if there's much

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09:06:49 1 more I could say on that one.

2 Q. (By Ms. Weaver) Okay. Just to be clear,
3 for the record, I'm specifically asking if you can
4 identify by name any one person involved in the
09:06:58 5 decision to deprecate partner categories.

6 Can you?

7 MR. BENJAMIN: Objection to form and
8 scope.

9 THE DEPONENT: A singular person or a
09:07:07 10 team?

11 Q. (By Ms. Weaver) Any -- any -- any names

12 that you can think of.

13 A. I mean, Andrew Howard was involved.

14 Q. Anyone else?

09:07:25 15 A. Like I said, there wasn't -- there
16 were --

17 (Simultaneously speaking.) ***

18 MR. BENJAMIN: The same -- the same
19 objections.

09:07:29 20 THE DEPONENT: There were multiple teams
21 involved. I don't know the full list of the entire
22 cross-functional team that was involved, as they
23 are involved when we introduce a new product or
24 deprecate other products.

09:07:41 25 Q. (By Ms. Weaver) Okay. But I'm not

55

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09:07:42 1 asking for an exhaustive and complete list. I
2 literally was asking if you can identify even a
3 handful of people or one name.

4 Other than Mr. Howard, can you identify
09:07:52 5 anybody else who was involved in the decision to
6 deprecate partner categories?

7 A. Amy Dunn.

8 MR. BENJAMIN: Objection. Objection --

9 sorry, Bella. Objection to form.

09:08:00 10 THE DEPONENT: No, please.

11 MR. BENJAMIN: Asked and answered. And
12 scope.

13 THE DEPONENT: Amy Dunn. She was a
14 former -- she's now a former employee. She was one
09:08:11 15 of the product marketers for targeting. So I would
16 assume was directly involved.

17 Q. (By Ms. Weaver) Anyone else?

18 A. Honestly, from the top of my head, for
19 that exact decision, I -- I wouldn't be able to
09:08:27 20 tell you many more names.

21 Q. Who is Andrew Howard?

22 A. He's on our policy team.

23 Q. And when you say "policy team," what do
24 you mean?

09:08:40 25 A. The -- across ads. And then also other

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09:08:45 1 products, there are -- there's a policy counterpart
2 for that product. They participate in product
3 development, product decisions. They work as part
4 of the cross-functional team involved in developing
09:08:57 5 products. And Andrew is an example for ads.

6 Q. And when you're saying "policy," what do
7 you mean?

8 A. I mean providing -- I mean -- I'm sorry.

9 I'm not totally sure what you mean by
09:09:14 10 that question.

11 Q. You said there's a policy counterpart for
12 that product.

13 What do you mean by policy?

14 A. So in this case, it's privacy policy.
09:09:21 15 It's the name of the team that Andrew is on and
16 that I'm on. And we are -- we work with a product
17 team as they develop products.

18 Q. And how many people are on the privacy
19 policy team currently?

09:09:37 20 A. Currently, I would, I think, ballpark
21 probably 170. 170 people.

22 Q. When was the privacy policy team first
23 established?

24 A. A long time ago. I'm -- I'm not sure of
09:09:57 25 the exact date when our team was established.

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09:09:59 1 Q. Was there a privacy policy team in 2012?

2 A. Yes, there was.

3 Q. And who was on it?

4 A. An example would be Rob Sherman or

09:10:11 5 Erin Egan.

6 Q. And in 2012, how many people were on the
7 privacy policy team?

8 A. I can't tell you with high requested I
9 many not sure size of at that point.

09:10:27 10 Q. Was it 170 people?

11 A. No, the team has grown in the last 12
12 years.

13 Q. Was it more than 20?

14 A. I -- I would say yes, but I also don't
09:10:40 15 know exactly how we have reorg over that time
16 period so it might have been a slightly different
17 named team with different scope and yes.

18 MR. BENJAMIN: Ms. Weaver, we've just
19 been going for an -- well over an hour if he coming
09:10:59 20 good time to take a break?

21 MS. WEAVER: Yeah, no problem let me just
22 close this out if you don't mind.

23 MR. BENJAMIN: Of course.

24 Q. (By Ms. Weaver) You said Amy Dunn is
09:11:07 25 former right?

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09:11:09 1 A. Yes Amy Dunn left I believe two years ago
2 a year ago.

3 Q. And where does she work now, if you know?

4 A. I don't know.

09:11:16 5 Q. And it's DUNN?

6 A. Yes, that's correct.

7 Q. And how is first name spelled?

8 A. AMY.

9 Q. And other than those two individuals can
09:11:26 10 you identify anybody else who is involved in the
11 decision to deprecate partner categories?

12 A. Rob Sherman would have been aware and
13 probably involved, Victoria *chin nor land was Amy
14 counterpart and partner. Also on the marketing

09:11:47 15 side SPELL they would have been involved. And then
16 I -- I mean that's -- that's who I can think of.

17 MS. WEAVER: Okay. Great. We can take a
18 break and go off the record.

19 THE VIDEOGRAPHER: Okay. We are off the
09:12:04 20 record it's 9:12 a.m.

21 (Recess taken.)

22 THE VIDEOGRAPHER: Okay. We are back on
23 the record it's 9:39 a.m.

24 Q. (By Ms. Weaver) Ms. Leone, you

09:39:16 25 understand you are still under oath, correct?

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09:39:19 1 A. Yes.

2 Q. Okay. When we broke, I had asked if you

3 could remember anybody else other than

4 Andrew Howard, Amy Dunn, Rob Sherman and **Victoria

09:39:34 5 chin you were involved in the decision to deprecate

6 partner categories.

7 Do you recall that. You had asked that,

8 yes.

9 Q. Can you identify anyone other than those

09:39:43 10 four individuals who reached that decisions?

11 MR. BENJAMIN: Objection to form.

12 Objection to scope. And I'm going to instruct the

13 witness not to answer on the basis of privilege.

14 MS. WEAVER: She can't identify who was

09:39:59 15 involved in the discussion on the basis of privacy

16 if they personally knows?

17 MR. BENJAMIN: Well, I think this

18 question has been asked and answered. But

19 Ms. Leone to the extent you can answer Ms. Weavers

09:40:10 20 question without revealing privileged information

21 or communications, you may do so.

22 THE DEPONENT: I know that it was across
23 functional team which is what I noted. Those are a
24 few people that I knew were involved and beyond
09:40:24 25 that, it's attorney-client privilege.

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09:40:30 1 Q. (By Ms. Weaver) Do you have personal
2 knowledge of any other individuals who were
3 involved in the decision?

4 MR. BENJAMIN: Objection scope and same
09:40:40 5 caution regarding privilege.

6 THE DEPONENT: Those are -- the -- are
7 people I can think of and beyond that it was a very
8 large group as many of our product decisions are.

9 Q. (By Ms. Weaver) How large was the group?

09:40:54 10 A. I can't.

11 MR. BENJAMIN: Objection -- objection to
12 form.

13 THE DEPONENT: I don't know an exact
14 number.

09:41:01 15 Q. (By Ms. Weaver) Okay. Let's turn to
16 your testimony about the three categories of
17 targeted advertising, you listed core audiences
18 detailed targeting and custom audiences, correct?

19 A. Yes.

09:41:15 20 Q. With regard to core audiences, how long
21 has that program be in use is it fair to call it a
22 program?

23 A. I think that's fair. I would use the
24 word product. But yes. The parts that we
09:41:35 25 categorize into core audiences I think mentioned

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09:41:40 1 age gender location have been part of our targeting
2 option since we offered started to offering
3 targeting options.

4 Q. And what other demographics other than
09:41:52 5 age gender and location are used in core audiences?

6 A. Those -- those are the core audiences
7 demographics.

8 Q. And with regard to gender what do you
9 mean?

09:42:15 10 A. An advertiser has the option three kind
11 of toggle reach all, reach men, reaching women.

12 Q. And with regard to location, what options
13 are afforded advertisers?

14 A. When an advertiser goes to create their
09:42:37 15 ad in that location section, it effectively is a

16 map they can choose to select where they want their
17 ad to be shown. That can be by clicking on the
18 map. That can be by entering a -- a place -- or a
19 city a state. They can -- keyword search to match
09:43:00 20 where they want their ad to be shown.

21 Q. And how granular is the location
22 selection?

23 MR. BENJAMIN: Objection to form.

24 THE DEPONENT: An advertiser can input
09:43:13 25 really kind of whatever granularity to an extent.

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09:43:19 1 There is then a radius and that radius cannot be
2 smaller than 1 mile.

3 Q. (By Ms. Weaver) And when was the
4 restriction that the radius cannot be smaller than
09:43:31 5 1 mile implemented?

6 A. I believe that has been in place
7 throughout. I -- I don't believe that there was a
8 time where we didn't have that.

9 Q. So to be clear from 2007 forward it was
09:43:55 10 Facebook's policy that for core audiences the
11 location could not be less than a 1 mile radius; is
12 that right?

13 A. So the advertiser selection of where to
14 show their ad like that selection in terms of this
09:44:12 15 city, et cetera, I -- I don't -- I believe that
16 there has always been -- so where those options
17 have been provided I think there has always been
18 the radius but I would honestly have to check on if
19 the UI has changed in the way they select that.

09:44:36 20 Q. Was it ever possible for an advertiser to
21 provide map coordinates to target users?

22 MR. BENJAMIN: Objection. Objection to
23 form.

24 THE DEPONENT: They don't provide a map
09:44:48 25 coordinate. They can select like I was saying

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09:44:52 1 there's a map they can select a point. But it's
2 not that they are selecting users. They are
3 selecting where they want their ad to be shown.

4 Q. (By Ms. Weaver) And could they do that
09:45:02 5 with the specificity of a map coordinate at any
6 point in time from 2007 to the present?

7 A. With the radius that I mentioned.

8 Q. And where would you go to confirm that
9 the 1 mile radius was honored from 2007 to the

09:45:21 10 present?

11 MR. BENJAMIN: Objection to form.

12 THE DEPONENT: I -- I would probably

13 discuss with our engineers if they can cross-check

14 that. I'm not sure that we have code from 20 --

09:45:38 15 from 2007.

16 Q. (By Ms. Weaver) Was there an enforcement

17 mechanism to ensure that the 1 mile radius was

18 included?

19 MR. BENJAMIN: Objection to form. Vague.

09:45:54 20 THE DEPONENT: There -- the selection

21 from the app to enforce the selection from the

22 advertiser.

23 Q. (By Ms. Weaver) To gnasher Facebook's

24 policy that had to be a 1 mile radius?

09:46:08 25 A. It was how location -- it's how location

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09:46:12 1 targeting is rendered it's not a subsequent

2 enforcement.

3 Q. It was through the code that the 1 mile

4 radius is enforced is that your testimony?

09:46:28 5 A. Yes, it's -- it's through how an

6 advertiser selects location.

7 Q. And so what information does Facebook
8 rely onto determine whose within the selected
9 location?

09:46:52 10 A. When a user uses Facebook we get location
11 signals within that, so for example, if they have
12 location services turned on we get that
13 information. We understand where people are also
14 based on how they check in so when someone says I'm
09:47:11 15 at the airport, we would understand and get that
16 information and -- otherwise that people connect
17 through and connect and use our platform tells you
18 where they are.

19 Q. What the other ways that users connect
09:47:25 20 and use the platform that tells Facebook where they
21 are?

22 A. IP would be an example.

23 Q. You are referring to the IP address?

24 A. Of how they are directing in yes.

09:47:36 25 Q. For the record what's the IP address?

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09:47:40 1 A. It's from your device how you are --
2 where you are accessing a website for connecting to
3 the Internet.

4 Q. So in addition to check in and IP address
09:47:51 5 how else can Facebook define with users are to use
6 that information for core audiences location
7 selection?

8 A. I think I want to make sure that we are
9 clarifying the distinction here. An advertiser
09:48:05 10 selects where they want their ad to be shown. Once
11 they have created that ad, we then determine who
12 matchings there a audience those parameters. To do
13 that we use people's activity and how they are
14 connected to Facebook including like their location
09:48:23 15 services and the other pieces that I mentioned
16 there, is that what you were getting at?

17 Q. Right.

18 And so I'm asking to make that
19 determination about whether users are within the
09:48:37 20 selected location, what information does Facebook
21 use?

22 A. It's what I answered it's location
23 services on their device. How they connect to
24 Facebook. And other -- another example would be if
09:48:53 25 they check in people can also provide on their

09:48:57 1 profile where they live. Those -- that's an
2 example of information we use to determine their
3 part -- they should meet audience parameters.

4 Q. When you say "location services" what
09:49:10 5 does that refer to?

6 A. It's a setting on devices that -- of on
7 our iPhone for example, that let's Facebook
8 understand where you are.

9 Q. Does Facebook use any other information
09:49:26 10 to determine the location of users so that users
11 are targeted through core audiences by location?

12 A. Yes, as I mentioned, check ins can
13 contribute to knowing where someone is. Same thing
14 as where they designate their hometown or where
09:49:46 15 they live on their profile.

16 Q. When a user initiate a post for example,
17 does the Meta data reflect where the user was when
18 the user made that post?

19 MR. BENJAMIN: Objection to form.

09:50:18 20 THE DEPONENT: The active there --
21 honestly I -- that's pretty far outside of the ad
22 specific piece. If we -- if we collect that
23 related to nonads someone posting something.

24 If they were to -- the example I was
09:50:36 25 trying to give was like a page check in or where I

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09:50:39 1 specifically post I'm at the airport, because it
2 translates into a check in. I'm not sure if that's
3 what -- what you are indicating.

4 Q. (By Ms. Weaver) No it's not.

09:50:49 5 Let's give -- let me give a different
6 example if somebody post a picture does the
7 metadata on the picture indicate where the picture
8 was taken and if it does is that the kind of
9 information that Facebook uses to identify a user
09:51:04 10 location for use and core audiences location
11 selection?

12 MR. BENJAMIN: Objection to form.

13 Compound. Vague. Scope.

14 THE DEPONENT: If someone makes a post
09:51:19 15 they have connected to Facebook in some manner. We
16 do use information about how someone connects to
17 Facebook to understand where they are and that is
18 used also for ads.

19 Q. (By Ms. Weaver) And when you say they
09:51:36 20 have connected to Facebook in some manner, what do
21 you mean?

22 A. I mean you have logged in or you are on a

23 browser and you are using Facebook.

24 Q. And does Facebook distinguish for core
09:51:50 25 audience location advertising whether that photo

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09:51:52 1 that was posted was marked public or private?

2 A. These are very different concepts. The
3 core audiences is simply how an advertiser selects
4 the parameter for their ad. When we then determine
09:52:08 5 if someone is eligible to see that ad, whether they
6 meet it, it is based on people's activity on
7 Facebook. And it's not differentiated in public or
8 private because again that's not reflective of how
9 someone's activity on Facebook is categorized.

09:52:29 10 Q. With regard to the demographic age used
11 in core audiences what is the information Facebook
12 uses to determine someone's age?

13 A. That's based on the -- the age they
14 provide at sign up we provide a user to provide
09:52:45 15 that age and that's also what we use to determine
16 if they should see an ad.

17 Q. And how does Facebook determine users
18 gender the same answer?

19 A. Yeah, yes.

09:52:58 20

[REDACTED]

[REDACTED]

[REDACTED]

23 MR. BENJAMIN: Objection to form and

24 scope.

09:53:18 25

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2 Q. (By Ms. Weaver) [REDACTED]

[REDACTED]

[REDACTED]

09:53:31 5 MR. BENJAMIN: Objection.

6 THE DEPONENT: Again --

7 MR. BENJAMIN: Form and scope.

8 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24 Q. And Facebook's selected you as a

09:54:39 25 representative on that topic today too, right?

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09:54:42 1 A. On ad targeting and ad delivery, yes.

2 Q. Okay. Let's turn to detail targeting.

3 What is detailed targeting as you have

4 described it?

09:54:57 5 A. Detailed targeting is how -- is how we

6 again segment for advertisers when they are setting

7 up their ads. It includes interests and behavior

8 options for targeting.

9 Q. And when detailed targeting first

09:55:17 10 implemented at Facebook?

11 A. In the form of what it looks like today

12 it would have been I believe between like 2010,

13 about 2010 that's -- that's -- I think it is

14 important to note the evolution of what that looks
09:55:39 15 like in the UI has changed over time. But the idea
16 of having interest and behaviors I think was about
17 then.

18 Q. And what team and people were responsible
19 for commencing the detail targeting at Facebook?

09:55:57 20 A. Our ads product team.

21 Q. And who was on the ads product team who
22 was part of that decision in 2010, if you know?

23 A. I don't know an individual from the ads
24 product team specifically who was part of that
09:56:12 25 decision. Again these are often large teams that

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09:56:16 1 create road maps to -- to build the tools we offer
2 advertiser or any other product at -- at Facebook.

3 Q. Why did Facebook decide to engage in
4 detailed targeting on or around 2010?

09:56:33 5 A. One of our core goals is to ensure that
6 the advertising experience is interesting and
7 relevant to people. Enabling that is one way to do
8 that is to help understand what they might be
9 interested in and then an advertiser can select who
09:56:50 10 they think the audience that might be most relevant

11 for their product. Interest, which is part of
12 detailed targeting is an example where that was
13 further to goal have having more interesting ads
14 than if it was broadly targeted and relative -- and
09:57:08 15 relevant to the person seeing it.

16 Q. And so how did detailed targeting help
17 accomplish that goal?

18 A. It is enabled someone an advertiser to
19 select that they wanted to reach people who have an
09:57:24 20 interest in something based on continued engagement
21 with that topic.

22 Q. And specifically what are the topics
23 detail let's start today Facebook?

24 A. Within interest there's quite a few I
09:57:49 25 believe about 60,000 interests are provided to

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09:57:52 1 today. Those vary between hobbies TV shows public
2 figures any nun of topics that -- that we have seen
3 consistent engagement on that would be relevant to
4 research someone because they are interested in it
09:58:08 5 CHECK/CHECK.

6 Q. And how is this list of 60,000 provided
7 to advertisers?

8 A. In the ad creation flow an advertiser can
9 Browse through a structured list, so for example,
09:58:22 10 can click and say I'm looking for things related to
11 facial entertain or the keyword search and input, a
12 search term and we'll render the ones that match
13 that search term they select individual interests
14 from there.

09:58:41 15 Q. If a category is not on the list, can
16 advertiser propose a new interest category and then
17 use the target users?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: Do you mean through --
09:59:00 20 through the ad creation?

21 Q. (By Ms. Weaver) Or at all.

22 A. There isn't a way for advertiser to
23 select something that doesn't exist and then
24 immediately enable targeting on that that's not --
09:59:13 25 that's not a functionality we offer.

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09:59:18 1 Q. But can advertiser email their contact at
2 Facebook and say we would like to target based on
3 this criteria. Can you make that happen?

4 MR. BENJAMIN: Objection.

09:59:28 5 THE DEPONENT: I'm sure advertiser.

6 MR. BENJAMIN: Objection -- objection to
7 form.

8 THE DEPONENT: Advertiser could email
9 that. It is not something that we implement.

09:59:38 10 Q. (By Ms. Weaver) And why is that?

11 A. The interest we provide are the areas
12 where we have seen continued engagement. It's not
13 based off on advertiser. A somewhat ad hoc
14 advertiser request.

09:59:52 15 Q. Does -- so you've testified that to date
16 it's roughly 60,000 interest categories; is that
17 right?

18 A. Yes, that's correct.

19 Q. And can you describe over time perhaps
10:00:09 20 how that list has accrued?

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: The -- the list has --
23 like I was saying is based on topics that we see
24 people engaging with. So we have both added and

10:00:26 25 removed interests over time to help ensure that

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10:00:29 1 they remain relevant and actually useful for people

2 to see content they want to engage and for
3 advertiser to reach audience that they are trying
4 to reach.

10:00:43 5 Q. (By Ms. Weaver) So is that bags had on
6 both input from advertiser and internal Facebook
7 analyses?

8 A. It's not based on input from advertiser
9 in the example we gave about an email. But if we
10:01:03 10 understand that there is high demand to -- to reach
11 people interested in -- entertainment and we see
12 that that is something that people engage with.
13 It -- it could be an area we expand into. That's
14 relatively common and -- and like market research
10:01:21 15 to understand like what is a useful tool.

16 Q. And when we understand that there is high
17 demand "you mean that advertisers are interested in
18 certain categories and will pay Facebook for that";
19 is that fair?

10:01:39 20 MR. BENJAMIN: Objection to form.

21 THE DEPONENT: It's that we want to build
22 tools that actually enable advertiser to create an
23 ad and also that that is relevant to people and so
24 we do that the way many products are developed
10:01:54 25 through market research understanding what people

****CONFIDENTIAL ROUGH DRAFT****

10:01:56 1 need and then also what -- what we would or
2 wouldn't be able to provide.

3 Q. (By Ms. Weaver) Are there -- there any
4 other Ime pits into the creating the interest
10:02:10 5 categories that you can think refer to?

6 MR. BENJAMIN: Objection to form vague.

7 THE DEPONENT: It's -- again it's based
8 on our understanding what would be a useful
9 addition we haven't added new interests recently.
10:02:27 10 It's -- because the interest list is relatively
11 stable at that point you can imagine a scenario
12 where if there is a -- a new TV show. It might
13 make sense to add that in based on the engagement
14 we are seeing. But that would be an example of how
10:02:44 15 the process occurs.

16 Q. (By Ms. Weaver) When you say useful
17 addition you mean useful for purposes of
18 advertising; is that right?

19 A. Both for advertiser to reach a relevant
10:02:58 20 audience and for people to see ads that are
21 interesting and relevant to them.

22 Q. And how does Facebook determine what
23 users think is interesting and relevant to them?

24 A. Our interest are based on activity on
10:03:15 25 Facebook for example. Continuous engagement with a
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10:03:18 1 topic, so if I like many pages about interior
2 design you might assign -- you might say that I'm
3 interested in interior design and that would be an
4 interest so it's that topic type of topic based
10:03:35 5 understanding.

6 Q. Does Facebook also record users viewing a
7 video?

8 A. We determine just.

9 Q. Sorry.

10:03:51 10 MR. BENJAMIN: Objection to form.

11 THE DEPONENT: We -- if a page post a
12 video and someone in interacts with it including
13 viewing it, we would consider that an interaction
14 with that page and the content of that page. So
10:04:06 15 going back to the -- somewhat random interior
16 design example if there is interior design page and
17 I like it, I follow it. And I watch the videos on
18 that page that could contribute to my interactions
19 with -- with that page, yes.

10:04:22 20 Q. (By Ms. Weaver) Does Facebook track how

21 long users have watched a specific video?

22 MR. BENJAMIN: Objection to form and

23 scope W.

24 THE DEPONENT: We do. It's not a

10:04:39 25 specific piece of information that -- that I -- I

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10:04:49 1 don't think that there is a specific threshold in

2 that scenario that we leverage for like ads

3 interests if that's what -- yeah.

4 Q. (By Ms. Weaver) So to determine what

10:05:04 5 categories are targeted Facebook also looks at

6 users activity to determine whether or not those

7 categories would exist in the first place; is that

8 fair?

9 MR. BENJAMIN: Objection to form.

10:05:20 10 THE DEPONENT: I am sorry I think I need

11 to clarify a little bit on the question.

12 Q. (By Ms. Weaver) No problem.

13 We are discussing how the 60,000 interest

14 categories were created, right?

10:05:30 15 A. Yup.

16 Q. And one component was whether or not

17 there's high demand because advertisers are

18 interested in it, right?

19 A. Based on our market research, yes.

10:05:41 20 Q. And another component is whether or not
21 users are seeing the ads Facebook thinks they would
22 like to see, correct?

23 A. Another -- for interest creation
24 specifically?

10:05:57 25 Q. Sure.

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10:05:59 1 A. We -- in order to generate interests, we
2 determine what are the topics that people engage
3 with to -- and like what are groups like -- like
4 content on page, content -- classification those
10:06:15 5 topics that people have engaged with. If there is
6 a topic that nobody is engaging with it wouldn't
7 have been something we came up with. Because it is
8 based on -- on understanding the topics that people
9 engage with to provide an interest.

10:06:33 10 Q. So is it fair to say that Facebook
11 analysis users uses act term to what categories of
12 into are available for advertiser to target them;
13 is that fair?

14 A. At the --

10:06:47 15 MR. BENJAMIN: Objection -- objection to
16 form.

17 THE DEPONENT: It's fair to say that we
18 look at the content people engage with to determine
19 their interest and those can include them in -- in
10:07:05 20 an interest that we also provide to advertisers
21 when they are setting the parameters for their
22 audience.

23 Q. (By Ms. Weaver) Okay. In general can
24 you identify roughly how many of these interest
10:07:22 25 categories tore detailed targeting that were

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CONFIDENTIAL ROUGH DRAFT

10:07:24 1 available in 2012?

2 A. Roughly several hundred thousand.

3 Q. In 2012 there were several hundred
4 thousand and today there are 60,000?

10:07:45 5 A. Correct.

6 Q. So over time the number of interest
7 categories has decreased rather dramatically; is
8 that right?

9 MR. BENJAMIN: Objection to form.

10:07:56 10 THE DEPONENT: It has decreased over --
11 over -- over a number of years we have both added

12 in and removed interests.

13 Q. (By Ms. Weaver) Does Facebook have a
14 record of the categories for interest targeting
10:08:10 15 tore detailed targeting that were available in
16 2012?

17 A. So because our system has evolved, I --
18 there isn't a comprehensive or day by day view of
19 all the interests. We know what -- what is
10:08:30 20 provided in the product today. And I -- there
21 isn't -- a full list over many years.

22 Q. Is it possible to roughly piece tote what
23 those categories are over time?

24 MR. BENJAMIN: Objection to form.

10:08:51 25 THE DEPONENT: Not very high accuracy.

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****CONFIDENTIAL ROUGH DRAFT****

10:08:58 1 Q. (By Ms. Weaver) Did Facebook tell users
2 in 2010 what interest categories it was making
3 available to advertiser for detailed targeting?

4 A. Users can access the ads manager. It's a
10:09:20 5 self serve everybody is able to see what's --
6 what's there. And so a user would have been able
7 to also look and see what are interest categories
8 that are available.

9 Q. So it's your testimony that in 2012 a
10:09:37 10 user could have looked up and seen this several
11 100,000 interest categories that advertisers were
12 using to the -- are get them?

13 MR. BENJAMIN: Objection -- objection to
14 form and misstates.

10:09:50 15 THE DEPONENT: Yes, so yes to the
16 objection. Apologies. The -- they would be able
17 to see what are all the options in advertiser can
18 reach. Because our ad creation flow such as ad
19 manager self-serve and open to the public to look
10:10:10 20 at. So any user could go in and say here all the
21 interest advertiser can select. It is not an
22 indication that they are all associated with one
23 user.

24 Q. (By Ms. Weaver) Meaning a user could not
10:10:24 25 determine which interest he or she had specifically

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CONFIDENTIAL ROUGH DRAFT

10:10:28 1 been targeted for, correct?

2 A. We introduce --

3 MR. BENJAMIN: Objection. Objection.
4 Form. Vague.

10:10:38 5 THE DEPONENT: Today users can see the

6 interest they are associated with and we have had
7 had that for a number of years.

8 Q. (By Ms. Weaver) And when did that
9 commence?

10:10:50 10 A. 2014 where we launched our ad
11 preferences.

12 Q. And beginning in 2014, could users see
13 all of the interests that they were actually
14 targeted for?

10:11:04 15 A. They could see the interests that were
16 associated with them that they were part of that
17 were being used by advertiser.

18 Q. And could they see all of those interests
19 or was it just a -- an overview?

10:11:20 20 A. Do you mean immediately at launch or over
21 time.

22 Q. At any point in time?

23 MR. BENJAMIN: Objection.

24 THE DEPONENT: Yes, yes.

10:11:30 25 MR. BENJAMIN: Objection to form.

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10:11:34 1 THE DEPONENT: Over the years and today,
2 a user can open ad preferences and see all of the

3 interests that are associated with them that are
4 available for targeting.

10:11:45 5 Q. (By Ms. Weaver) And when did that
6 functionality first become effective which is to
7 say that a user could view every single interest
8 for which they have been targeted for detailed
9 targeting?

10:11:57 10 A. In 2014, we launched ad preferences. It
11 began with the interest that -- that were actively
12 being used, so that had an ad run against them and
13 then rolled out to include all interests that were
14 targetable. That would have been likely over --
10:12:17 15 the course of 2014, I don't know the exact month.

16 Q. And does Facebook generate interest
17 categories based on off platform activity?

18 A. Interest are based on -- on-site
19 activity.

10:12:33 20 Q. Only on platform?

21 A. Yes.

22 Q. Does -- do users have the capability to
23 decline being targeted for a specific interest?

24 A. Yes.

10:12:49 25 Q. And when was that first implemented.

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10:12:55 1 Q. In 2014. And how does Facebook enforce
2 that a user is not targeted based on a specific
3 interest?

4 A. When a user chooses to remove themselves
10:13:11 5 from an interest they are no longer included in
6 that interest so any add that has interest as part
7 of their audience parameters the user would not be
8 included in that audience.

9 Q. And are you familiar with the concept of
10:13:27 10 opt in versus opt out?

11 A. Yes.

12 Q. And what's your understanding of what
13 those words mean?

14 A. It -- my understanding would be that the
10:13:38 15 choices either you are in it and you are -- you are
16 given the opportunity to opt out so you are making
17 a choice to remove yourself from a state where you
18 in it and then opt in would be the opposite you are
19 not in it and you are given the choice to enter.

10:13:53 20 Q. And why did Facebook decide that users
21 should opt out rather than opt in to interest for
22 detailed targeting?

23 A. We understand that people want to see
24 relevant ads. It is part of the experience on

10:14:08 25 Facebook otherwise they would see irrelevant ads

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10:14:11 1 interest is one way to do that. And so we -- we
2 provided people with interest and gave them the
3 opportunity to see them those and then remove
4 themselves.

10:14:22 5 Q. Are you aware of internal studies at
6 Facebook that concluded in fact users would --
7 would prefer to opt in as opposed to to opt out?

8 MR. BENJAMIN: Objection to form and
9 scope.

10:14:38 10 THE DEPONENT: For ads I'm not aware of a
11 study that's specifically looks at an opt in verify
12 out opt our reference for interest.

13 Q. (By Ms. Weaver) Are you aware of any
14 studies in general that discuss opt out versus opt
10:14:49 15 out preferences for users?

16 MR. BENJAMIN: Objection. To scope.

17 THE DEPONENT: Across all of Facebook?

18 Q. (By Ms. Weaver) Well, you answered, your
19 answer was very specific I'm trying to understand
10:15:02 20 why.

21 You said for ads I'm not aware of a study

22 that's specifically looks at opt in or opt out for
23 ads interest.

24 So I'm just trying to ask are you aware
10:15:12 25 of a study who opt in or opt out in general?

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10:15:20 1 MR. BENJAMIN: Objection.

2 THE DEPONENT: No.

3 MR. BENJAMIN: Objection to scope.

4 MS. WEAVER: Let's go off the record real
10:15:34 5 quickie will fix it.

6 (Court Reporter initiates discussion off
7 the record.)

8 THE VIDEOGRAPHER: Okay. We are off the
9 record it's 10:15 a.m.

10:16:38 10 (Recess taken.)

11 THE VIDEOGRAPHER: Okay. We are back on
12 the record it's 10:16 a.m.

13 Q. (By Ms. Weaver) Are you aware of
14 internal discussions at Facebook in regard to
10:17:02 15 whether or not users would want to opt in or opt
16 out to certain kinds of detailed targeted
17 advertising?

18 MR. BENJAMIN: Objection to scope.

19 THE DEPONENT: I'm not aware of

10:17:14 20 discussions on those preferences.

21 Q. (By Ms. Weaver) Do you know how the
22 decision was made that Facebook would require users
23 to opt out rather than opt in to interest
24 categories of detailed targeting advertising?

10:17:32 25 MR. BENJAMIN: Objection to form. Vague

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10:17:34 1 and scope.

2 THE DEPONENT: The product was built
3 because we knew these -- because these were areas
4 that people had already engaged with and we knew
10:17:46 5 that they were interested win them. And so the
6 control reflects that by giving them the ability to
7 re November themselves from it. I was by design.

8 Q. (By Ms. Weaver) So in beginning do you
9 know how many users reviewed the hundreds of

10:18:00 10 thousand interest categories and defense selected
11 themselves?

12 MR. BENJAMIN: Objection to form.

13 THE DEPONENT: Just to be clear each user
14 was not associated with all the interest

10:18:17 15 categories. They wouldn't -- there -- it wouldn't

16 have been they had hundreds of thousand of their
17 interests. Once we rolled out ad preferences I --
18 I don't know the exact number of users who -- who
19 choose to remove themselves from an interest when
10:18:37 20 that was rolled out.

21 Q. (By Ms. Weaver) Can you identify anyone
22 you are aware of who has ever chosen to engage in
23 that process?

24 MR. BENJAMIN: Objection to form and
10:18:51 25 scope.

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10:18:55 1 THE DEPONENT: Do you mean specifically
2 to remove them from an interest.

3 Q. (By Ms. Weaver) Yeah. Yes?

4 A. [REDACTED]

10:19:00 5 Q. [REDACTED]

6 [REDACTED]

7 MR. BENJAMIN: Objection to form and
8 scope.

9 THE DEPONENT: [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13

14 Q. (By Ms. Weaver) Does Facebook maintain

10:19:28 15 statistics on how many users have gone to the --

16 why I am seeing this page?

17 A. Yes.

18 Q. And where are those statistics?

19 MR. BENJAMIN: Objection to form.

10:19:47 20 THE DEPONENT: We would log those

21

22 Q. (By Ms. Weaver) And when you say would

23 would what do you mean knowledge I mean

24 when someone such as a hide ad or why I am seeing

10:20:04 25 this. We -- we know or we log that that action has

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10:20:08 1 been taken.

2 Q. For what time period has that activity

3 been logged ?

4 MR. BENJAMIN: Objection to form. Vague.

10:20:25 5 THE DEPONENT: Over -- we have logged --

6 logged that activity since we launched -- is --

7 does that answer your question is that what? Is

8 that what you are were asking?

9 Q. (By Ms. Weaver) When you say since we

10:20:45 10 launched you mean 2007 or 2014?

11 A. Waste launched -- launched in 2014 why I
12 am seeing this was why I am seeing this was
13 launched in 2014.

14 Q. Oh.

10:20:56 15 A. Once it became a product, we began to log
16 when -- when someone would access it.

17 Q. So for the record. You are using an
18 acronym waste which stands for why?

19 A. I am.

10:21:07 20 Q. Why I many a seeing this; is that right?

21 A. Yes, CHECK/CHECK check apologize I
22 thought I define it earlier that's my mistake.

23 Q. Perhaps I missed it.

24 Okay. Are there other activities that

10:21:25 25 users engage in that effect whether or not they are

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****CONFIDENTIAL ROUGH DRAFT****

10:21:31 1 targeted by certain interests that are logged [REDACTED]

[REDACTED] [REDACTED]?

3 MR. BENJAMIN: Objection to form.

4 THE DEPONENT: Interests are based on

10:21:42 5 people's activity so for example if they

6 consistently engage with a page or ad or any form

7 of like aggregated continuous engagement with a
8 topic is what ads someone to interest if they doing
9 that than they wouldn't be added to it.

10:22:01 10 So the -- the people's page -- page likes
11 are logged [REDACTED] and that's an example of
12 activity that would also contribute to an interest.

13 Q. (By Ms. Weaver) In addition to page
14 likes what other kinds of activities are logged [REDACTED]

[REDACTED] about users that you are aware of?

16 A. For interests.

17 Q. In general. For interest and yes in
18 general.

19 A. Again people's activity on the platform
10:22:35 20 is logged [REDACTED]. So if I had a friend or if I
21 had something to my profile that's something we
22 store [REDACTED].

23 Q. Do you count Facebook messenger active as
24 activity on the platform in your answers?

10:22:55 25 A. Yes.

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****CONFIDENTIAL ROUGH DRAFT****

10:22:56 1 Q. Are -- where are users Facebook Messenger
2 messages logged?

3 MR. BENJAMIN: Objection to form and

4 scope.

10:23:08 5 THE DEPONENT: This is pretty far outside
6 of ads specific. The fact that someone uses
7 messenger is logged [REDACTED]. I think that that's
8 what you are getting at and if they initiate
9 threads it would -- logged there to.

10:23:24 10 Q. (By Ms. Weaver) When you say they
11 initiate threads what do you mean?

12 A. If I create --

13 MR. BENJAMIN: Objection to scope.

14 THE DEPONENT: Creating a thread with
10:23:37 15 Matt for example would be something that we log.

16 Q. (By Ms. Weaver) And so what is the log
17 reflect does it reflect the whole thread or just
18 the fact that a thread was initiated with time with
19 certain users?

10:23:51 20 MR. BENJAMIN: Objection to form and
21 scope.

22 THE DEPONENT: This is something I don't
23 know. This is pre tee far outside ads.

24 Q. (By Ms. Weaver) So this activity for
10:24:01 25 Facebook Messenger used to create interests in used

10:24:07 1 in any form of advertising not limited to detailed
2 interest but in general?

3 MR. BENJAMIN: Objection to form.

4 THE DEPONENT: To separate out the
10:24:16 5 portions of that question, interests are based on
6 activity on the platform. But page and ad activity
7 messenger is not part of that for interests.

8 Generally across ad delivery we use information
9 about how people use Facebook to inform what ad to
10:24:38 10 show them. So if we know that someone has
11 consistently messaged pages we might be more likely
12 to show them an ad that is -- has a message
13 objective. So I think that answer -- is that what
14 you are getting at.

10:24:56 15 Q. (By Ms. Weaver) Yes, that's exactly it
16 toes Facebook also look at the content of messenger
17 messages to determine what interests users might
18 have the target --

19 A. No. No.

10:25:08 20 Q. And has Facebook ever done that?

21 A. No.

22 Q. But if they message about a page, or a
23 group, would that information be used to target
24 them?

10:25:23 25 A. Would you mind clarifying what you mean

****CONFIDENTIAL ROUGH DRAFT****

10:25:24 1 by "message."

2 Q. Well you testified -- so if someone has
3 consistently messaged -- messaged pages, what do
4 you mean?

10:25:36 5 A. I meant specifically reached out to a
6 page via messenger.

7 Q. Okay. And would that also -- is also
8 true for groups?

9 A. You can't message a group.

10:25:48 10 Q. Okay.

11 A. Or the -- let me make sure that we -- we
12 are kind of talking about the same thing. So the
13 group product which is this is a group on Facebook
14 and I join it, that isn't connected in -- in the --

10:26:06 15 I think in the way you are thinking about it. With
16 messenger. You don't message into a group in the
17 same way. And we don't use message content from
18 like between friends to inform an ad.

19 Q. What if you are -- so you referenced a
10:26:23 20 page in the messenger communication, Facebook will
21 use that information, correct?

22 A. Between -- no, it it is specifically if I

23 Bella choose to message Nike's page we would know
24 that I interacted with that page and that is
10:26:41 25 something that inform my ads because it's an

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10:26:43 1 interaction with a page.

2 Q. Understood.

3 Does Facebook use information in Facebook
4 messages to calculate users desire to be targeted
10:27:11 5 with a certain kind of ad?

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: The content of a message
8 between friends on through messenger is not used to
9 inform ads it would -- no be used to predict
10:27:33 10 someone's interest or whether or not they want to
11 see an ad.

12 Q. (By Ms. Weaver) Do you know if it's used
13 for research?

14 MR. BENJAMIN: Objection to form and
10:27:41 15 scope.

16 THE DEPONENT: I do not.

17 Q. (By Ms. Weaver) And why is the content
18 of a message not used to inform ads?

19 A. We haven't historically used it. It's

10:28:01 20 not an area we've -- we've explored so it's not
21 part of why we -- the signals we use for ads.
22 Q. Does Facebook consider whether or not
23 Facebook messenger messages might be considered
24 private by users in making a decision not to use it
10:28:18 25 to target users and ads?

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10:28:22 1 MR. BENJAMIN: Objection to form and
2 scope.
3 THE DEPONENT: That's not the framing
4 we've used. We haven't used messenger content it's
10:28:34 5 not something we have explored for -- to
6 incorporate into ads. Like I said, we use
7 interactions with pages and ad content to inform
8 ads interests and then activity generally on the
9 platform.

10:28:46 10 Q. (By Ms. Weaver) And I'm trying to
11 understand why Facebook does not use messenger
12 messages to frame interest based targeting of
13 users?

14 MR. BENJAMIN: Objection to form and
10:29:05 15 scope.

16 MS. WEAVER: I will ask the question.

17 So can you explain why Facebook does not
18 use Facebook Messenger information to target users
19 with ads.

10:29:18 20 MR. BENJAMIN: Objection to form. Asked
21 and answered and outside the scope.

22 THE DEPONENT: It -- it hasn't been an
23 area that we -- we've built out it hasn't been prop
24 to something that we want to do or is valuable. We
10:29:30 25 have so far built our interest off of

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****CONFIDENTIAL ROUGH DRAFT****

10:29:34 1 engagements -- engagement and interactions with
2 pages and ads and the information people provide
3 us.

4 Q. (By Ms. Weaver) When you say it hasn't
10:29:42 5 been proven to be something that we want to do or
6 is valuable, how did Facebook prove that?

7 A. Like I said we haven't.

8 Q. Is -- has Facebook engaged in any any
9 analysis as to whether or not using information
10:29:59 10 shared by users in Facebook's messenger would be
11 valuable in identifying their interest?

12 A. No, not that I'm aware of.

13 Q. Do you think a consideration that

14 Facebook might engage in is whether or not using
10:30:25 15 information from Facebook Messenger messages would
16 individual users privacy expectations?

17 MR. BENJAMIN: Objection to form.

18 THE DEPONENT: You said --

19 MR. BENJAMIN: Objection to form. Calls
10:30:36 20 for speculation vague. Outside the scope.

21 THE DEPONENT: Across the board we think
22 about people have specific expectations whether or
23 not this is something that they would understand or
24 not. That's -- that's a consider always.

10:30:58 25 Q. (By Ms. Weaver) And I'm asking

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10:30:59 1 specifically about Facebook Messenger and whether
2 you believe that Facebook considered whether or not
3 allowing information communicated in Facebook's
4 messenger message to be used for advertising or
10:31:15 5 other purposes would envied users expectations of
6 privacy?

7 MR. BENJAMIN: Objection to form.

8 THE DEPONENT: We haven't speculated
9 about any specific users and whether or not they
10:31:28 10 would find that to be an envision of privacy. We

11 use activity on the platform like pages and ads to
12 inform interests and the ads people see. And --
13 and that -- and that's what transparent about to
14 users.

10:31:49 15 Q. (By Ms. Weaver) I'm still not getting an
16 answer to the specific question. Can you state one
17 way or other whether or not Facebook considered
18 users expectations of privacy in Facebook's
19 messenger messages and determining whether or not
10:32:01 20 to use information contained in them to target
21 users with ads?

22 A. What I'm struggling -- this assumes that
23 this was a specific decision and my point is that
24 it has -- this is -- the content of ads -- of
10:32:17 25 messages is not used in ads. We use other activity

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10:32:22 1 on the platform.

2 Q. And how does Facebook decide what
3 activity on the platform it is using for ads?

4 A. There a number of -- I mean, we -- we are
10:32:41 5 trying to build a system that deliver ads that
6 people are interested in. One of the things we've
7 seen that -- that is useful and that we user

8 people's engagement with pages and ads and their
9 activity that shows what they might want to see
10:32:56 10 more content of.

11 And so when we introduce interest as an
12 example, that accurate that engagement to be a
13 topic based and similarly like as product -- as --
14 as teams think about the future of what ads look
10:33:16 15 like they would look at target and industry
16 practices and -- and what people want to see and
17 how we can help enable that. I don't think that
18 there's a set framework.

19 Q. Okay. I'm going to move into another
10:33:40 20 topic we can take a break now or we can continue
21 it's up to you -- you Ms. Leone I don't know how
22 are feeling?

23 A. I'm happy to keep going.

24 Q. Okay. And I might ask for a break in 20
10:33:52 25 minutes but so I don't know?

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10:33:53 1 MS. WEAVER: Let's break now.

2 THE DEPONENT: Okay.

3 MS. WEAVER: Let's break now and then

4 we'll come back.

10:33:58 5 THE DEPONENT: Cool.

6 MS. WEAVER: Great. Thank you.

7 THE VIDEOGRAPHER: Okay. Off the record

8 it's 10:34 a.m.

9 (Recess taken.)

10:49:38 10 THE VIDEOGRAPHER: Okay. We are back on

11 the record it's 10:49 a.m.

12 Q. (By Ms. Weaver) Ms. Leone, you are still
13 under oath, correct?

14 A. Correct.

10:49:47 15 Q. A quick question about waste for the why
16 am I seeing this tool. Is it your testimony that
17 it lists interests for which have been targeted and
18 then you can opt out?

19 A. Waste shows the criteria that you matched
10:50:10 20 from the audience selection that the advertiser
21 made so it will show for that specific ad what you
22 matched and if one of those are interests it would
23 show their and then you would be able to remove
24 yourself from interest.

10:50:25 25 Q. So you only remove yourself if you

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10:50:26 1 already been matched, correct?

2 MR. BENJAMIN: Objection to form.

3 Misstates.

4 THE DEPONENT: For why I am seeing this

10:50:35 5 the goal of that tool is to provide people and
6 understanding of how the advertiser reached them
7 and so there it is based on -- in that interface
8 it's based on that interest that was matched in ad
9 persons we provide people with the -- the interest
10:50:51 10 they are targetable through. And those are -- it's
11 not based on any one specific advertiser using it.

12 Q. (By Ms. Weaver) So a user would have to
13 go to those two different locations, one to disable
14 when they have already been matched and then go to
10:51:09 15 a different location to say general categories I
16 maybe don't want to be targeted for; is that right?

17 MR. BENJAMIN: Objection to form.

18 THE DEPONENT: The -- the tools are for
19 provide different purposes because a user might
10:51:25 20 want transparency or control or different reasons
21 at different times. When someone sees a ad they
22 might look at the ad and say literally why I am
23 seeing hence the name of the menu that explains
24 that to them. And then the relevant control for
10:51:39 25 that transparency. Add persons is a central where

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10:51:44 1 someone can manage their ad settings and that
2 includes the interest they can be reached through
3 and then -- the ability to remove themselves from
4 so they are serving different purposes which is why
10:51:56 5 they look different and entry points to both of
6 them from the ad -- from waste or from our settings
7 to and other minus.

8 Q. (By Ms. Weaver) Why right. I wasn't
9 asking about the purpose. My question is if a
10:52:09 10 person wanted to prevent receiving any kinds of ads
11 they would have -- at a minimum to go to these two
12 different locations and review at waist what
13 already occurred to stop it from happening again
14 and then in ad preferences make selections to
10:52:26 15 prevent other kinds of advertising; is that fair?

16 MR. BENJAMIN: Objection --

17 THE DEPONENT: No.

18 MR. BENJAMIN: -- to form. Misstates.

19 THE DEPONENT: No, that's -- that's not
10:52:35 20 quite what I said.

21 Q. (By Ms. Weaver) I know it's not said but
22 I'm a different question than your last answer. Is
23 it true that to prevent the kind of targeting we

24 have been discussing at a minimum a user would have
10:52:49 25 to go to both of these sites?

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10:52:52 1 A. No, they could -- they -- first and
2 foremost, there's no way to turn off on ads on
3 Facebook that's not a setting anywhere. We
4 don't -- we show ads in order to provide a free

10:53:06 5 service.

6 Users can manage their ad experience
7 throughout ad preferences and that can be a
8 starting point for managing their ad experience.
9 The reason the purpose for each enter face is
10:53:21 10 important is because waist is solving why I am
11 seeing this a solving a very specific user need
12 which is when they see an ad they want to
13 understand how they were reached. They don't have
14 to wait to see an ad and click on why I many a
10:53:35 15 seeing this in order to access their ad
16 preferences, which are available to them and where
17 they can manage their -- the settings for their ads
18 as a central hub.

19 Q. Do?

10:53:47 20 A. They do not need to access both.

21 Q. Does the ad settings list all of the
22 60,000 interest categories used for detailed
23 targeting?

24 A. No.

10:53:56 25 MR. BENJAMIN: Objection to form.

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10:53:57 1 THE DEPONENT: Because --

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: No, because they are not
4 all associated with any individual user.

10:54:06 5 Q. (By Ms. Weaver) Yes, but in order to
6 proactively say I do not want to receive this ad,
7 wouldn't a user have to be able to opt out of it?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: An interest -- just to
10:54:23 10 underlying, the removal from an interest is not
11 about seeing an ad or not it's about the that
12 advertiser could reach you through that interest.
13 I think we discussed before that is something that
14 you are in the interest and you can remove
10:54:38 15 yourself. It's not a -- an opt or a future looking
16 for future things that you engage with.

17 Once you have engaged with content and

18 you become associated with an interest, someone can
19 go and re November themselves from it.

10:55:00 20 Q. (By Ms. Weaver) Is there any where on
21 the platform that -- well, strike that. Let's move
22 on.

23 You identified two subcategories of
24 detailed targeted advertising one was interests and
10:55:14 25 the second was behavioral, correct?

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10:55:17 1 A. Behavior.

2 Q. Behaviors what did you mean by behaviors?

3 A. Behaviors are -- are targeting options
4 based on activity on Facebook that indicate -- that
10:55:29 5 are -- that are closer to things like people's
6 intent to purchase. The -- he -- way they interact
7 with commercial entities so they are often are they
8 game -- gamers so behavior clusters are just
9 slightly different from interest which are more
10:55:46 10 topic based.

11 Q. And how does Facebook infer intent?

12 A. Similar to -- to interest it's based on
13 activity. So as an example I can consistently
14 click on an ad I -- I more likely to click on

10:56:04 15 future ads. We would consider my behavior to be
16 different from someone who never engages with one.

17 Q. Can you explain the difference between a
18 behavior and an in terms of?

19 MR. BENJAMIN: Objection.

10:56:24 20 Q. (By Ms. Weaver) How Facebook makes the
21 determination for user?

22 MR. BENJAMIN: Objection to form.

23 THE DEPONENT: I think what you are
24 asking is how do we wire these two separate things;

10:56:40 25 is that.

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10:56:40 1 Q. (By Ms. Weaver) I'm just asking what the
2 difference is between them?

3 A. So the difference is that the interest
4 are topic based where as behaviors active based

10:56:53 5 categorize the active more so the topic of the
6 engagement.

7 Q. Aren't the topics derived from activity?

8 A. Yes, they -- they are derived from
9 activity, but our -- how we have categorized it so

10:57:06 10 as an example here, an interest could be that I
11 engaged with many pages about interior design.

12 We'll use that example again which is a silly one.

13 And so I -- I'm interested in interior design

14 because I can consistently engaged with pages about

10:57:24 15 it. A behavior could be that I have -- I -- often

16 will buy something online. So I click and I buy

17 something and so I have an intent to buy things

18 regardless of what the topic was of what I was

19 buying. It's how we tried to distinguish those.

10:57:45 20 They represent different dimensions of people's

21 activity and also different dimensions of what --

22 how advertiser might want to define their audience

23 topic based and behavior based.

24 Q. And are there categories of behaviors

10:58:01 25 that Facebook uses to define users to make

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10:58:04 1 available for advertising?

2 MR. BENJAMIN: Objection to form.

3 Misstates.

4 THE DEPONENT: There's the -- the

10:58:14 5 targeting options our on categories of behaviors.

6 Q. (By Ms. Weaver) And why what are those

7 targeting options?

8 A. There's a number, so I think I -- I used

9 a gamers many example. They are all available in
10:58:29 10 ads manager as behaviors.

11 Q. And currently how many behaviors are
12 there?

13 A. There's several hundred.

14 Q. And when were behavior targeting options
10:58:44 15 first implement ad targeting Facebook?

16 A. I think a clarification here which is
17 that the categorization like those have been how we
18 bucketed these over time. Any individual option
19 may have been added later on or earlier so I think
10:59:04 20 these came to be kind of this type of targeting
21 about 2010 perhaps a little bit earlier.

22 Q. And who specifically was involved in the
23 development of behavior targeting?

24 A. Our ad product teams and their
10:59:25 25 cross-functional team.

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10:59:26 1 Q. Can you identify anyone by name who was
2 involved in the development of behavior targeting?

3 MR. BENJAMIN: Objection to form and
4 scope.

10:59:38 5 THE DEPONENT: Not any one individual.

6 This is something again it's like been -- been
7 iterates on and evolved over many years by very
8 large product team.

9 Q. (By Ms. Weaver) And who is responsible
10:59:48 10 for it today?

11 A. Our ads product team.

12 Q. And who by name in ads product is
13 responsible for the development of the behavior
14 targeting?

11:00:00 15 A. The head of our ad targeting team is
16 George camps.

17 Q. And how long has he held that position?

18 A. Several years, I don't know the exact
19 date.

11:00:16 20 Q. And do you know who held the position
21 before him?

22 A. He's been involved for a while. I don't
23 know the predecessor before I'm not sure if there
24 was a specific one team or if it was ads product
11:00:31 25 which is an org that does this.

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11:00:38 1 Q. How does Facebook create the targeting
2 option and options in behavior targeting?

3 MR. BENJAMIN: Objection to form.

4 Misstates.

11:00:54 5 THE DEPONENT: We create those based on
6 people's activity.

7 Q. (By Ms. Weaver) Can you explain what you
8 mean?

9 A. I mean that when someone specific
11:01:05 10 activity on the platform will associate someone
11 with one of those defined behavior clusters.

12 Q. You previously testified that for
13 interest based identifying a component was demand
14 for the -- the interest.

11:01:21 15 Do you recall that?

16 A. Are you being specific to advertiser
17 demand or the --

18 Q. Yes?

19 A. The fact that we have seen users engage
11:01:28 20 with that content.

21 Q. Right?

22 A. Because.

23 Q. I'm trying to distinguish both the
24 question for behavior targeting options did

11:01:34 25 Facebook also consider whether demand by

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11:01:37 1 advertisers was high?

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: Across the board we would

4 look like things like the market demand and

11:01:51 5 industry standards to indicate what are areas that

6 would be useful tools.

7 Q. (By Ms. Weaver) How does Facebook assess

8 market demand and industry standards?

9 A. We can look at other ad products and

11:02:07 10 under how those function and what they offer. We

11 had -- we can discuss with -- we can have

12 discussions with people who use our tools and

13 understand where there's a gap.

14 Q. And when you say discussions with people

11:02:20 15 who use our tools you mean advertisers?

16 A. Advertisers, ad agencies.

17 Q. Anticipate just for the record, what

18 is -- strike that.

19 You've defined and what advertiser is as

11:02:37 20 somebody who places an ad essentially on Facebook;

21 is that fair?

22 A. Uh-huh.

23 Q. So advertiser could also be an app or an

24 app developer or even Facebook under that

11:02:49 25 definition as long as it's somebody who placed an

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11:02:51 1 ad on Facebook, right?

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: So if -- if a developer

4 has an app and they want to tiff and they create

11:03:07 5 and buy an ad would I consider them advertiser.

6 Q. (By Ms. Weaver) Have you used or heard

7 use of the word "partner" at Facebook?

8 THE DEPONENT: Like a capital P partner

9 in sense of.

11:03:23 10 Q. (By Ms. Weaver) Yes?

11 A. Designated title.

12 Q. Yeah?

13 A. What do you mean.

14 Q. Facebook partners this is one of

11:03:29 15 Facebook's partners would know what that means?

16 A. Yeah. Columbus equally that often means

17 like when we are using it often means that someone

18 is advertiser.

19 Q. Okay. When targeting options for

11:03:52 20 behavioral advertising was launched on or around

21 2010 how many categories were there?

22 A. I don't know the initial size.

23 Q. Do you know again can you describe the
24 growth over time or decrease over time?

11:04:06 25 A. It -- it would have been several hundred

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11:04:08 1 thousand oh sorry specific to behaviors?

2 Q. Yes. Yeah?

3 A. That would have been several hundred

4 maybe -- maybe a couple thousand it was a smaller

11:04:18 5 number and that's -- that's -- it -- it is similar

6 now as several hundred but, again. Both with like

7 as we have iterates our product we both a had had

8 in and removed.

9 Q. And be how would one create a summary or

11:04:39 10 overview of the kinds of behavior targeting options

11 that have been available at Facebook over time?

12 MR. BENJAMIN: Objection to form.

13 THE DEPONENT: There would be -- do you

14 mean at like -- a category by category.

11:05:01 15 Q. (By Ms. Weaver) Just yeah an

16 identification of, you know, roughly from years

17 2010 to 2014 here's a list of behavioral targeting

18 options that existed at some point?

19 A. Yeah, as I was saying because the system
11:05:16 20 has evolve over time. I don't think that there is
21 a high accurate or high accuracy way to reconstruct
22 that. It would have to be an effort to understand
23 maybe this launched at this point so we generally
24 understand that these were the types of segments
11:05:33 25 that were available or were deprecated so as an

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11:05:37 1 example when partner categories were deprecated we
2 know they weren't available in 2019 because they
3 were deprecated in 2018.

4 Q. What did you mean by the word segment
11:05:47 5 when you said it?

6 A. That -- apologize interchange with a
7 specific cluster or option within behaviors.

8 Q. What's a cluster or an option?

9 A. And I can choose a specific word here
11:06:02 10 whatever and I will stick with that one, but it's
11 for -- when advertiser goes in and selects within
12 the menu of options, the one they have selected so
13 I will use option moving forward and it's the same
14 thing as a specific interest is one option. A
11:06:21 15 specific behavior segment is one option.

16 Q. And what are the specific kinds of
17 behaviors that are the data points used to create
18 targeting options?

19 A. So we take to clarify we take activity on
11:06:43 20 Facebook. The information people provide us. And
21 that can associate and that is how they become
22 associated with a behavior option that then is also
23 a targeting parameter for advertisers to select.

24 Q. And what specific activity on Facebook?

11:07:03 25 A. Like I was saying, it could be page or

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11:07:05 1 ads interactions. Information they provide us on
2 their profile. The way they engage with specific
3 types of content so if they kindly click as an
4 example or if they are -- they don't click, if they
11:07:20 5 are -- those are some examples of activity but it's
6 how people interact on the platform.

7 Q. Does it include how they interact with
8 their friends?

9 MR. BENJAMIN: Objection to form. Vague.

11:07:41 10 THE DEPONENT: I will give an example
11 because I think that help ground and let me know if
12 that's close to what you -- what you mean. We --

13 an example of people provide in our profile is
14 their hometown and they -- we also can say their
11:07:58 15 family a relationship. So they can say. I am a --
16 I'm engaged or I'm in a relationship. We could
17 know from that information, that they are in a
18 relationship and that would be what -- a type of
19 targeting we offer. So that's an example I'm not
11:08:18 20 sure gets what quite you meant by friends
21 interactions where you say I'm engaged you might
22 also engaged who you engaged to that is a
23 connection between people. And is something we use
24 for ads.

11:08:33 25 Q. (By Ms. Weaver) Yeah.

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11:08:33 1 So you identified two categories. You
2 said one activity and two info they provide. I
3 wasn't asking about info you provided you just
4 discussed it so set that aside.

11:08:43 5 I'm asking very specifically, what
6 activity on Facebook does Facebook use to create
7 the targeting options for behavioral advertising?

8 MR. BENJAMIN: Objection to form
9 argumentative.

11:08:58 10 Q. (By Ms. Weaver) It's not limited just
11 groups and pages is it?

12 A. It's not -- and I --

13 MR. BENJAMIN: Sorry, Bella.

14 Objection to form.

11:09:07 15 THE DEPONENT: Evening it's not abuse
16 example and another type of activity is how someone
17 engages on the platform for example, they set a --
18 a life event or they update their relationship
19 status.

11:09:24 20 Q. (By Ms. Weaver) Does it include whether
21 or not for example they respond to certain kinds of
22 content posted by friends?

23 MR. BENJAMIN: Objection to form. Vague.

24 THE DEPONENT: Yes.

11:09:40 25 Q. (By Ms. Weaver) Does it include for

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11:09:40 1 example, how often they use Facebook Messenger?

2 A. The -- again -- similar to whether or
3 not -- like if you ever used Facebook Messenger,
4 yes could be something we use for ads.

11:10:01 5 Q. Does it include the content of users
6 posts?

7 A. In messaged pages or generally?

8 Q. Both.

9 A. Like I said before.

11:10:15 10 MR. BENJAMIN: Objection to form.

11 THE DEPONENT: We don't use content in
12 message threads for ads. On posts the content, for
13 example if I engaging if I post to a page that
14 could be used, if I engage with posts and the
11:10:36 15 content of those posts could be used, yes.

16 Q. (By Ms. Weaver) And that's without
17 regard to whether or not that content was marked
18 private or public, correct?

19 MR. BENJAMIN: Objection to form. Asked
11:10:46 20 and answered. Vague.

21 THE DEPONENT: We don't have a
22 distinction in that manner of public versus private
23 that's not -- that doesn't quite translate into our
24 product in that manner.

11:11:00 25 Q. (By Ms. Weaver) And that's true for the

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11:11:01 1 class period for the target options for behavior
2 advertising correct?

3 MR. BENJAMIN: Objection to form.

4 THE DEPONENT: Yes.

11:11:15 5 Q. (By Ms. Weaver) And you've identified
6 two categories users activity -- well strike that.
7 Other than the content of Facebook's
8 messenger is there any other activity on Facebook
9 that users engage in that is not used for the
11:11:33 10 creation of targeting options for behavior
11 targeting?

12 MR. BENJAMIN: Objection to form.

13 THE DEPONENT: I -- I -- I'm not sure
14 there's a way to categorize all of the data we
11:11:53 15 don't use. I'm -- we can -- discussing the
16 activity that is used, I don't know the full extent
17 of our entire product and all the data we have to
18 define what we don't use.

19 Q. (By Ms. Weaver) But as sit here today
11:12:11 20 you can't think of another category other than the
21 content of Facebook message that is categorically
22 not used for behavior tar target users is that
23 fair?

24 MR. BENJAMIN: Objection to form.

11:12:23 25 THE DEPONENT: No, another example is

11:12:26 1 when someone entered a security phone number we do
2 not use that for ads.

3 Q. (By Ms. Weaver) Okay. Anything else?

4 A. Not that I can come up with off -- off
11:12:39 5 the cuff again it's tough to think potentially all
6 activity and then carve it out UID know do use for
7 ads which I describe described.

8 Q. Now you've described. So other than
9 activity. And other than the information that
11:12:57 10 users provide in sign up for example, is there any
11 other data that Facebook uses to create wheelchair
12 tar targeting options?

13 A. So over this period, I think we are
14 familiar with partner categories, that's -- those
11:13:18 15 were created with data brokers information. We --
16 there's also activity off of Facebook. So from
17 apps and websites which could be used for -- could
18 be used in -- in a targeting option.

19 Q. Anything else you can think of?

11:13:39 20 A. No, I mean those are the classes of data
21 or the categories of data that we use.

22 Q. How does Facebook use users activity off
23 of Facebook to create targeting options used to
24 target users by third parties?

11:13:57 25 A. Whether we were discussing custom

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11:14:00 1 audiences this is an example of that. So an -- our
2 business tools a website owner and an app owner can
3 use those tools to send information to Facebook
4 about a visit to their website. That information
11:14:16 5 can help them then reach back out to people who I
6 have already visited their website and we use it
7 also to personalize ads.

8 Q. Okay. That's custom audiences. You said
9 barely targeting is in a different bucket, right?

11:14:31 10 A. Apologies. Behaves a specific targeting
11 option we provide behavioral target users often
12 used a way personalize it sound lie was responding
13 to the second. For behaves we also have used
14 offsite engagement in those. That -- over -- over
11:14:51 15 the course of this period. It could be very
16 similar to the options -- to -- what I assessor
17 saying about if you consistently purchase on --
18 online that could be something that informs one of
19 those options.

11:15:05 20 Q. And does Facebook collect the information
21 about users off platform activity through the use
22 of cookies or other trackers?

23 MR. BENJAMIN: Objection to form and
24 scope.

11:15:27 25 THE DEPONENT: For -- for ad use we base

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11:15:30 1 it off of the use of our business tools, so our
2 pixel and app SDK.

3 Q. (By Ms. Weaver) And for the record what
4 is pixel?

11:15:42 5 A. Pixel is a cookie that is placed on a
6 website that communicates information back to
7 Facebook by the website owner.

8 Q. And when was pixel first in use?

9 A. 20 -- for ads 2014.

11:15:59 10 Q. Was it in use not for ads prior to that?

11 A. It was, it was.

12 MR. BENJAMIN: Objection -- objection to
13 form and scope.

14 THE DEPONENT: It was something that
11:16:10 15 launched prior to that. But use for ads in 2014.

16 Q. (By Ms. Weaver) And do you know what it
17 was used for prior to being used for ads?

18 MR. BENJAMIN: Objection to scope.

19 THE DEPONENT: It was used for website

11:16:26 20 owners to do analytics and understand more about
21 how their website was functioning. I don't know
22 more generally how -- or -- or in other specifics
23 of how it was used.

24 Q. (By Ms. Weaver) And pixel in use today;
11:16:45 25 is that right?

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11:16:47 1 A. Yes, correct.

2 Q. And you referred to app SDK; is that
3 right?

4 A. Yes.

11:16:57 5 Q. What is that?

6 A. Similar, it's a way for -- a developer a
7 app owner to provide information back to Facebook
8 about specific events in their app.

9 Q. And what specific kinds of information do
11:17:22 10 pixel and app SDK communicate about users off
11 platform activity that is then used to target them
12 in wheelchair part of the options?

13 MR. BENJAMIN: Objection to form.

14 THE DEPONENT: So a -- a -- it it -- I'm
11:17:51 15 going to answer this in terms of how pixel
16 functions and I think that is.

17 Q. (By Ms. Weaver) Okay.

18 A. Probably what we are getting to.

19 The -- when -- the way a pixel works is
11:18:03 20 that the business tool or the person who is using
21 our business tool so the website owner sets it up
22 and they translate back to us contact information
23 and event data.

24 The contact information is an identifier
11:18:17 25 which helps us understand who took that action and

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11:18:21 1 we hash and match that on our platform.

2 The event is about a check out. Like
3 they choose what -- what he inventor they are
4 hoping to -- to have it at the pixel transmit back.
11:18:33 5 That could be something like they went to our menu.

6 They looked at our hours of operation. They
7 added -- added something to the cart checked out.

8 We would receive both of those. And the
9 event information is what helps us understand the
11:18:50 10 activity and could help personalize an ad.

11 Q. So for example, if somebody goes onto a
12 website and puts something in a cart but doesn't
13 check out does Facebook still receive the

14 information about what was sitting in the cart?

11:19:05 15 MR. BENJAMIN: Objection to form.

16 THE DEPONENT: They are different

17 concepts the website owner has sent us specifically

18 an ad to cart event. They could separately send us

19 a check out I vent those are -- those are distinct.

11:19:19 20 Q. (By Ms. Weaver) Okay. But the answer is

21 yes Facebook could receive the information about

22 what was sitting in the cart but not purchased; is

23 that right?

24 MR. BENJAMIN: Objection to form

11:19:28 25 misstates.

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11:19:32 1 THE DEPONENT: It is not about

2 understanding the -- the -- the flow and all of the

3 purchases it's about the event that the website

4 owner chooses to send back and the information they

11:19:44 5 include and sending that back to us.

6 Q. (By Ms. Weaver) Okay. And I'm being

7 very granular we but one of the events that

8 advertisers choose to send back is whether or not

9 something is sitting in a cart, but did not check

11:19:56 10 out; is that true?

11 MR. BENJAMIN: Objection to form.

12 THE DEPONENT: It's -- it's not that they

13 are send us back didn't check out. They are send

14 us back that someone added something to the cart

11:20:10 15 it's -- it's a moment an event that is advertising

16 remembered not a subtract of whether or not check

17 out happened.

18 Q. (By Ms. Weaver) I understand. We are

19 getting host a little bit systematic?

11:20:23 20 A. Okay.

21 Q. Let me ask it this way, if I looked up my

22 profile at Facebook and had the internal tools

23 could I see instances of where I had items in my

24 cart but they weren't purchased?

11:20:37 25 MR. BENJAMIN: Objection to form.

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11:20:38 1 THE DEPONENT: Can you collar my what you

2 mean your -- your profile and internal tools.

3 Q. (By Ms. Weaver) Okay. For -- let me

4 just ask this.

11:20:51 5 Does Facebook process information about

6 users that would reflect instances where something

7 was sitting in their chart but not purchased?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: Not in the way that I

11:21:05 10 think you have conceptualized it.

11 Q. (By Ms. Weaver) Okay.

12 A. Which is that there is a -- this item

13 was -- was not purchased on a website. We know if

14 someone specifically -- if -- if a website owner

11:21:18 15 passed us back pixel, that the check out pixel was

16 fired we would know that.

17 If the information passed back to us was

18 that the ad to cart pixel was fired we would know

19 that.

11:21:30 20 Q. Okay.

21 A. That's all I was asking. Like -- okay,

22 that's good.

23 Q. Does Facebook inform users which third

24 parties are collecting information about them of

11:21:59 25 their off platform activity through pixel and app

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11:22:04 1 SDK?

2 MR. BENJAMIN: Objection to form and

3 scope.

4 THE DEPONENT: The pixel and app SDK and

11:22:23 5 the -- and the -- the websites and apps that use
6 those are shown to people in OFA which is our off
7 Facebook activity tool.

8 Q. (By Ms. Weaver) Are all of them in OFA?

9 A. This a little bit outside of ads. So
11:22:40 10 yes, my understanding is that they are. But not my
11 expertise.

12 Q. And how long is OFA been functional?

13 MR. BENJAMIN: Objection to form.

14 THE DEPONENT: I believe we launched OFA,
11:23:06 15 my personal recollection that we launch between
16 2016 and 2018 but, again, somewhat outside the
17 scope of ads.

18 Q. (By Ms. Weaver) Okay. So we've now
19 identified three categories of data the can be used
11:23:19 20 to create the targeting categories or options in
21 behavior advertising and that is activity on
22 Facebook?

23 A. Information users provide and off
24 platform activity. Is there any other categories
11:23:34 25 of data not include that we should be discussing.

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11:23:39 1 A. No.

2 Q. Okay. Once Facebook has the data how
3 does it create the inference of an intent or a
4 behavior?

11:23:55 5 MR. BENJAMIN: Objection to form.

6 THE DEPONENT: So I think important to
7 understand here what trying to do if understand if
8 someone previous engagement or interest or behavior
9 would predict their future engagement or interest
11:24:15 10 in behavior so to draw that out that line pretty
11 clearly if I can consistently click on ads, we
12 said -- that would be an indication to us that I am
13 likely to click on ads.

14 So that is an example of where we are
11:24:31 15 taking someone previous behavior to -- to
16 understand their future behavior it's -- it's -- I
17 think that answer your questions just in terms of
18 how -- it's not like a labeling exercise. It is a
19 question of you -- you've previously ebb engaged in
11:24:52 20 that way and that helps how you might engage in
21 the --

22 Q. (By Ms. Weaver) Is Facebook using
23 algorithms to predict the future behavior?

24 MR. BENJAMIN: Objection to form.

11:25:05 25 THE DEPONENT: Our ad delivery does

****CONFIDENTIAL ROUGH DRAFT****

11:25:06 1 include algorithms they are machine learning
2 classifiers that help us estimate people's future
3 behavior.

4 Q. (By Ms. Weaver) What is machine
11:25:20 5 learning.

6 THE DEPONENT: Machine learning is -- a
7 forge of programmatically at least in the context
8 of ads of programmatically creating this
9 prediction. So within our ad delivery we base it
11:25:38 10 object people's activity to understand their future
11 potentially engagement.

12 Q. (By Ms. Weaver) And is this kind of
13 analysis logged at Facebook with regard to users?

14 A. Can you explain what you mean by "this
11:25:55 15 analysis."

16 Q. Right.

17 You engage in a purchase and the
18 algorithm says it needs that you are like lying to
19 else ever engage in a different kind of purpose in
11:26:09 20 ten minutes is that logged somewhere that
21 prediction?

22 MR. BENJAMIN: Objection -- objection to
23 form.

24 THE DEPONENT: We -- so I think there are
11:26:20 25 a few -- a few important pieces. Machine learning
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11:26:23 1 takes into account. It's not a one to one
2 deterministic rule which is why it's machine learn.
3 So it's taking into account, your activity and --
4 and that helps us develop the -- in this example we
11:26:40 5 call it the estimated action rate which is whether
6 or not you will engage in the way -- in an ad.
7 We -- we log the -- the activity that's
8 feeding into because that's just the activity that
9 we have anyway.

11:27:02 10 And we -- we know which ad we showed
11 someone so we know the output.
12 Q. (By Ms. Weaver) Let's talk about the
13 output.
14 Facebook makes a prediction what does it
11:27:29 15 do with that that prediction?

16 MR. BENJAMIN: Objection -- objection to
17 form.

18 THE DEPONENT: I think it's helpful to
19 maybe expand to ads. So advertiser creates the ad
11:27:38 20 they give us the content. They set the parameters

21 for their audience and their bid. The bid is how

22 much they are willing to pay to show that ad.

23 We then move it into our ad ranking or

24 the optimization portion where we take the eligible

11:27:55 25 audience we say which ad should Bella see in order

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11:28:00 1 to determine that we -- we are using the total

2 value equation and that is the bid from the

3 advertiser, the estimated action rate that I will

4 actually want to see this and engage with this ad

11:28:14 5 and the ad quality, those are the machine learning

6 components and then the output is whether -- which

7 ad I'm shown all of the ads that eligible to see in

8 that moment.

9 Q. (By Ms. Weaver) So does Facebook log

11:28:31 10 which ads a specific user is shown?

11 A. Yes.

12 Q. And when did Facebook start logging what

13 ads a specific user is shown?

14 A. I believe that we have -- we have --

11:28:50 15 in -- we have logged that since we started to show

16 ads.

17 Q. Since 2007, right?

18 A. Yes.

19 Q. And does Facebook link the advertisement
11:29:07 20 shown to a specific user and also log the behavior
21 that triggered the ad?

22 MR. BENJAMIN: Objection to form.

23 THE DEPONENT: What I was saying before
24 is it's not a one to one relationship. It's not a
11:29:22 25 singular behavior and there wouldn't be a one

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11:29:25 1 trigger to log with that.

2 Q. (By Ms. Weaver) Is there -- are there
3 logs that reflect series of activities that also
4 correlate in time to the ads Facebook is showing
11:29:40 5 them?

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: Again the assumption
8 there's like -- a is separate set of activity from
9 what just -- what we use for ads as people's
11:29:54 10 activity and then that is how our machine learning
11 determines if this would be of interest and then
12 determines the ad to show. It's not that there is
13 like cherry picked activity that would -- is one to
14 one relationship with showing any given ads. So

11:30:11 15 that's not -- does toe reflex how machine learn
16 works in order to login that manner.

17 Q. (By Ms. Weaver) Right I understand I
18 mean what trying understand though, at some point
19 machine learning is learning and it's saying this
11:30:24 20 activity -- X, right?

21 MR. BENJAMIN: Objection to form and
22 scope.

23 THE DEPONENT: Do you mean a specific
24 activity or Bella has -- has -- this is-- these
11:30:37 25 are Bella interactions over time. And we think it

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11:30:40 1 means that this would be an ad of interest.

2 Q. (By Ms. Weaver) Exactly?

3 A. Right. So again we know activity that is
4 logged. We know which ads I -- I have -- we know
11:30:51 5 the target of ads and then we know the ad I'm shown
6 so we know the output.

7 Q. So the question is does Facebook maintain
8 any kind of record or log of in a given time period
9 these are the activities and these are the ads. We
11:31:09 10 maintain records of people's activity and maintain
11 records of or we store the ads people's are shown.

12 Q. And doesn't Facebook also maintain some
13 kind of record of the special saws that gets from A
14 to B?

11:31:27 15 MR. BENJAMIN: Objection to form.

16 THE DEPONENT: I think that is what I
17 described. There isn't a way to -- like there
18 isn't storage of a specific trigger because that's
19 not how machine learning works.

11:31:42 20 Q. (By Ms. Weaver) Right. I understand
21 what you are saying.

22 I will come back to that.

23 Where are the logs that you just
24 described with regard to the activity in the ads

11:31:55 25 maintained?

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11:32:00 1 A. Ads people see is success that we shore
2 [REDACTED] people activity is also something we store
3 [REDACTED].

4 Q. Is it stored anywhere else?

11:32:11 5 MR. BENJAMIN: Objection to form. Vague.
6 Compound.

7 THE DEPONENT: The ads information is
8 stored [REDACTED]. That's the database that -- that's

9 holds it and that's the same for the activity.

11:32:25 10 There -- other -- other systems might read from it

11 so example for to render ads reporting. In ads

12 manager we would read from -- from those databases.

13 Q. (By Ms. Weaver) Are you familiar with

14 the Download Your Information tool?

11:32:43 15 A. I'm familiar that it exist and we provide

16 access to information there.

17 Q. Does it read from these tables [REDACTED] do

18 you know?

19 A. I.

11:32:56 20 MR. BENJAMIN: Objection -- objection to

21 form and scope.

22 THE DEPONENT: Unfortunately I don't know

23 as part of -- of my ads expertise.

24 Q. (By Ms. Weaver) Okay.

11:33:19 25 MS. WEAVER: I think we the take -- a

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11:33:21 1 break now let's go over the record.

2 THE VIDEOGRAPHER: Okay. We are off the

3 record it's 11:33 a.m.

4 (Recess taken.)

11:33:31 5 Test test test test test test test test test

6 test test test test test test

7 THE VIDEOGRAPHER: Okay. We are back on

8 the record it's 12:24 p.m.

9 Q. (By Questioner) Hi Ms. Leone did you
12:24:23 10 have a good lunch?

11 A. I did thank you.

12 Q. Or lunch equivalent.

13 I'm going to show what we mark as -- give
14 me a moment. 656.

12:24:39 15 (Exhibit 656 was marked for
16 identification by the court reporter and is
17 attached hereto.)

18 MS. WEAVER: And while we are waiting for
19 it to load.

12:24:48 20 Q. (By Ms. Weaver) Do you recall when ad
21 preferences was created, so that users could see or
22 try to control what ads were presented to them?

23 A. Ad preferences launched in 2014.

24 Q. Okay. I see. Okay. Do we have
12:25:29 25 Exhibit 656 up. Yes, I have it up.

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12:25:31 1 Q. And looking at Exhibit 656, do you know
2 what it is?

3 A. It is a Newsroom blog post from 2019
4 announcing initials to some of our transparency
12:25:43 5 interfaces.

6 Q. Who is a Newsroom blog post?

7 A. A Newsroom blog post -- Newsroom is what
8 we call the portion of our website where anyone can
9 navigate on the Internet that we make
12:26:01 10 announcements.

11 Q. And looking at Exhibit 656, it bears a
12 date of July 11th, 2019?

13 A. Yes.

14 Q. Why did you review this particular
12:26:16 15 document?

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: This is part of our
18 evolution of the tools around ads targeting an ads
19 ranking in this case. The transparency tools and
12:26:32 20 so I wanted to be sure that I understood what had
21 changed in the moment. And if I could -- do you
22 mind.

23 Q. (By Ms. Weaver) Of course.

24 A. Make sure and read.

12:26:42 25 Q. Yeah.

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12:26:43 1 A. Sorry. Yeah, this was -- these were
2 updates to waist and part of prep I was reviewing
3 many of the updates that we have made and generally
4 understanding where -- when those were.

12:27:12 5 Q. So this disclosure does not relate to ads
6 sent to users because of behavioral targeting
7 actions right?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: Can you clarify when you
12:27:31 10 say behavioral what -- what you mean.

11 Q. (By Ms. Weaver) With the data sources
12 that are -- that are -- the bases of the
13 information that's used for ad interest and then
14 there's a different dataset that is is the source
12:27:49 15 for behaviors, correct?

16 MR. BENJAMIN: Objection to form.
17 Misstates W it sounds like you are differentiating
18 the activity more so than the fact that it's just a
19 separate set of options in the -- I for advertisers
12:28:08 20 and that's meant to reflect how they organize and
21 how they can select their audience and that's
22 really the big distinction between the two.

23 Q. (By Ms. Weaver) Okay. Well, looking at
24 Exhibit 656 and turning to the page that's at --

12:28:42 25 ending in nine -945. Yes, I so.

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12:28:53 1 Q. We are updating ad preferences show more
2 about businesses that uploads lists with your
3 information.

4 Do you see that?

12:29:07 5 A. Yes, sorry I'm not sure if it was for
6 others as well, that's actually on the -- on
7 the -944 for me.

8 Q. I am sorry, so --

9 A. Okay. I just want to be sure I'm at the
12:29:17 10 right spot yes, I see.

11 Q. So does Facebook provide businesses with
12 lists that they can upload about information about
13 users?

14 A. No.

12:29:26 15 Q. So what does this mean when it says "we
16 are also updating ad preferences to show more about
17 businesses that upload lists with your
18 information"?

19 A. This refers to custom audiences the
12:29:40 20 customer list form of custom audiences.

21 Q. Okay. And so looking at Exhibit 656, is

22 this meant -- what is the purpose of this blog?

23 A. This was to --

24 MR. BENJAMIN: Objection -- objection to

12:29:54 25 form.

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12:29:55 1 THE DEPONENT: This was to announce
2 updates to waist and ad preferences that would help
3 users understand when an advertiser has uploaded a
4 customer list in order to reach them with an ad.

12:30:08 5 Q. (By Ms. Weaver) Okay. Well look at the
6 page ending --943?

7 A. Yes.

8 Q. Where it says first, we'll show people
9 more reasons why they are seeing an ad on Facebook
12:30:19 10 in the past why I am seeing this ad highlighted one
11 or two of the most relevant reasons such as
12 demographic information or you may have visited a
13 website. Now you will see more detailed targeting
14 including the interest or categories that match you
12:30:34 15 with a specific ad. It will also be clear where
16 that information came from e.g., the website you
17 may have visited or page may have liked height
18 controls to easy here adjust your experience.

19 Do you see that?

12:30:47 20 A. Yes.

21 Q. So when it's referring to interest or
22 categories that match you with a specific ad that
23 is referring to interest advertising, right?

24 MR. BENJAMIN: Objection to form. Vague.

12:31:04 25 THE DEPONENT: So reading this blog

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12:31:06 1 Post-it -- it is referring to the targeting
2 operations that are under detail targeting so
3 interest targeting operations and -- and other
4 categories which are the other operations within
12:31:18 5 detailed targeting.

6 Q. (By Ms. Weaver) Okay. And then a
7 little -- little later you've said that what -- on
8 the next page pages four and five of the document,
9 it discusses custom advertising; is that right?

12:31:33 10 MR. BENJAMIN: Objection to form.

11 Misstates.

12 THE DEPONENT: It also notes that we --
13 making an additional update to ad preferences and
14 that is related to customer lists.

12:31:43 15 Q. (By Ms. Weaver) And why doesn't this

16 document discuss the behavioral targeting -- the
17 targeting for behavior that we spent so much time
18 discussing before the break?

19 MR. BENJAMIN: Objection to form.

12:31:58 20 Mischaracterizes.

21 THE DEPONENT: The so I didn't write this
22 blog post so the wording here I think it's hard to
23 speculate exactly how they drafted this. But that
24 is what is meant by the more -- you will see more

12:32:13 25 detailed targeting including the interest or

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12:32:16 1 categories that matched with a specific ad that
2 includes those behaviors and specifically the
3 behaviors that the advertiser chooses when creating
4 their desired audience.

12:32:31 5 Q. (By Ms. Weaver) Do you know why the word
6 behaviors is not used in this disclosure?

7 MR. BENJAMIN: Objection to form and
8 scope.

9 THE DEPONENT: I can't tell you how it
12:32:44 10 was drafted this way. But detailed targeting
11 interests or categories we often talk about
12 targeting as categories and this -- this alliance

13 with that, it doesn't use the -- the exact same
14 indemnify nomenclature, but.

12:33:00 15 Q. (By Ms. Weaver) Or the word behavior.

16 Do you know if Facebook uses the word behavior in
17 its privacy policy or data use policy?

18 MR. BENJAMIN: Objection.

19 Q. (By Ms. Weaver) The kinds of inferences
12:33:10 20 drawn about them based on their activity on and off
21 the platform?

22 MR. BENJAMIN: Excuse me, I didn't mean
23 to interrupt, I am sorry.

24 Objection to form and scope.

12:33:20 25 THE DEPONENT: I don't know if the

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12:33:22 1 specific word is used. But we do use our word in
2 it's ad product when someone goes to create an ad.

3 Q. (By Ms. Weaver) You use it facing
4 advertiser but not facing users; is that right?

12:33:34 5 A. Again --

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: -- that's not quite right.

8 I said I don't know for certain if it's in or
9 policy or data policy. But it is displayed to

12:33:44 10 users in other transparency interfaces such as ad
11 preferences.

12 Q. (By Ms. Weaver) You are -- you are a
13 privacy and policy manager; is that right and you
14 have been since 2019?

12:33:56 15 A. Correct.

16 Q. And what are your duties and
17 responsibilities?

18 A. I work with our --

19 MR. BENJAMIN: Objection -- sorry.

12:34:04 20 THE DEPONENT: Sorry, that was my fault.

21 MR. BENJAMIN: Objection to form and
22 scope.

23 You can answer.

24 THE DEPONENT: I work with our product
12:34:13 25 teams as they develop new products and we work to

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12:34:17 1 ensure that those would -- would be in inline with
2 what we think our privacy principle should be and
3 also conversations that we had external restraining
4 order groups and feedback generally about the
12:34:30 5 products.

6 Q. (By Ms. Weaver) And does that include --

7 did the products include behavior targeting?

8 A. I cover ad targeting, yes.

9 Q. Earlier you indicated that there might be

12:34:43 10 a difference in your mind between behavioral

11 advertising targeting and behavioral targeting; is

12 that fair?

13 A. I -- I think there's -- there's the

14 product of behavioral operations that are in our

12:34:59 15 targeting tools so what we provide to advertiser.

16 I think there can be -- people use behavioral

17 targeting to speak generally about post

18 personalization about the use of specifically

19 offsite data and so, I think -- it's like capital B

12:35:19 20 behavioral a thing we produce or we provide in our

21 tool versus the concept of behavioral targeting and

22 that's the distinction I see, but when were

23 discussing it earlier I think those got a little

24 bit mixed probably.

12:35:33 25 Q. Okay. And what is OBA?

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12:35:36 1 A. OBA a closer to that the second it's

2 online behavioral advertising. It is commonly

3 meant to mean use of -- of activity off of the

4 platform to inform advertising.

12:35:52 5 Q. So is it fair to say that like OBA or
6 advertising is an industry term of art when you've
7 been talking about the player it's a specific
8 Facebook product.

9 A. Yes, it is a industry term of art. When
12:36:09 10 were specifically talking about the behaviors the
11 targeting options I dressed those when were talking
12 about how we used activity generally it would also
13 related to the industry term of online behavioral
14 advertising.

12:36:23 15 Q. (By Ms. Weaver) Okay. And then what is
16 political targeting?

17 MR. BENJAMIN: Objection to form.

18 THE DEPONENT: Political targeting is
19 just the -- I guess I'm -- I might need to put that
12:36:45 20 back to you.

21 Are you thinking in the context of our
22 tools?

23 Q. (By Ms. Weaver) I'm just thinking in
24 general, do you know what political targeting
12:36:54 25 means?

12:36:56 1 MR. BENJAMIN: Objection to form and
2 scope.

3 THE DEPONENT: To me that means the
4 options we provide for advertisers to create their
12:37:04 5 audience that are related to politics.

6 Q. (By Ms. Weaver) Okay.

7 MS. WEAVER: Why don't we mark exhibit
8 3 because of this scope objection.

9 MS. WEAVER: And for the record Exhibit 3
12:37:20 10 [sic] is a letter sent to me from Mr. Benjamin on
11 July 29th, 2022.

12 (Exhibit 657 was marked for
13 identification by the court reporter and is
14 attached hereto.)

12:37:31 15 Q. (By Ms. Weaver) And when it's up I will
16 ask to turn to the second page and I will read into
17 the record when you have it up.

18 Do you have it available counsel?

19 A. Yes.

12:37:47 20 Q. It says "Ms. Leone will be prepared to
21 discuss the targeting and audience selection
22 options available to advertisers including with
23 respect to political targeting segments which we
24 understand to be of interest to plaintiffs."

12:38:00 25 Do you see that?

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12:38:08 1 A. Yes.

2 Q. So what are political targeting segment?

3 A. It's what I was describing as the options

4 that we provide an advertiser to define their

12:38:18 5 audience.

6 MS. WEAVER: So the scope objection was

7 meritless.

8 Q. (By Ms. Weaver) The -- what -- is there

9 a subset of political segmentation that Facebook

12:38:31 10 provides to advertisers?

11 A. We've provided specific targeted options.

12 And those are when -- I think maybe segmentation

13 here is interchangeable with options. So there a

14 number of political targeting options that we've

12:38:51 15 provided to advertisers.

16 Q. And what are they and how have they

17 changed over time?

18 A. There -- there were several faces so the

19 initial face from 2014 to 2018 was five targeting

12:39:08 20 options that were based -- that work -- that were

21 called like very liberal to very conservative. And

22 then we multiple phases since then one face which

23 segmented those five into smaller or -- or more
24 defined groups.

12:39:27 25 And then the latest face that was -- we

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12:39:32 1 introduced in 2018, which went back to five top
2 level groups and those were deprecated in 20 --
3 2022.

4 Q. So going back to the segments from 2014
12:39:44 5 to 2018, what were those five targeting options?

6 A. Very liberal -- liberal moderate
7 conservative and very conservative.

8 Q. And then you said there were -- there was
9 a face from 2018 to 2020; is that fair?

12:40:05 10 A. Sorry, I think my -- I said 2022 but so
11 2018 to 2022. And it was the same naming except it
12 was likely to engage with and they were new
13 segments likely to engage with very liberal content
14 and then similar likely to engage with liberal
12:40:25 15 content likely to engage with moderate content
16 likely to engage with conservative content, likely
17 to engage with very conservative content and those
18 were 2018 to 2022.

19 Q. And why were the words likely to engage

12:40:38 20 with added to the segments?

21 A. It was a representation of how those
22 segments changed. The naming was to reflect how we
23 developed those.

24 Q. How did the segments change?

12:40:53 25

[REDACTED]

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12:40:57

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

14

Q. And you said was deprecated this year; is

12:41:51

15

that correct?

16

A. In 2022, yes March.

17 Q. In March, why?

18 A. We announced last year that we were
19 deprecating a series of targeting options include
12:42:03 20 these that we were -- we had -- had any discussions
21 over multiple years and we felt that these no
22 longer met people's evolving expect tailings it was
23 something that we did -- with work with advocacy
24 groups with others to identify in -- and face out
12:42:22 25 from our targeting system.

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12:42:24 1 Q. What expectations did it not meet?

2 A. From our conversations, these -- these
3 were areas that people made perceive to be
4 sensitive and weren't ones that we wanted to
12:42:39 5 continue to support.

6 Q. And when you -- you say "sensitive" what
7 do you mean?

8 A. I'm using the words of -- of -- of the
9 groups we spoke to they found that these were areas
12:42:51 10 that people found sensitive and -- and -- and we
11 decided those -- those targeting options would no
12 longer meet people's expectations. I can't tell
13 you exactly what they meant by sensitive.

14 Q. But I'm just asking what Facebook means
12:43:09 15 by sensitive?

16 A. We don't take that as a definition. It's
17 that we understood people perceived these to be
18 sensitive and and choose to -- not support them any
19 longer.

12:43:30 20 Q. Did Facebook suffer losses in revenue by
21 deprecating the use of those political targeting
22 segments?

23 MR. BENJAMIN: Objection to form and
24 scope.

12:43:44 25 THE DEPONENT: Advertisers don't have

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12:43:45 1 these segments any longer. I can't tell you if
2 that means that they stopped advertising or not.

3 Q. (By Ms. Weaver) Did Facebook take any
4 steps to track before or after taking the decision
12:43:57 5 the impact to revenue of deprecating these
6 political targeting segments?

7 A. Okay. What I explain.

8 Q. Objection to form compound?

9 THE DEPONENT: What I explained earlier
12:44:10 10 is relevant here too where there isn't a before and

11 after snapshot because revenue isn't associate with
12 any one targeting option.

13 Q. (By Ms. Weaver) Okay. But the question
14 was, did Facebook take any steps to track before or
12:44:27 15 after making this decision the impact to revenue of
16 deprecating political targeting segments?

17 MR. BENJAMIN: Objection.

18 THE DEPONENT: My point is --

19 MR. BENJAMIN: Objection to form.

12:44:39 20 THE DEPONENT: My point is that there
21 isn't a one to one way to track that and so we did
22 not take steps to track -- explicitly the revenue
23 loss from moving these -- these segments.

24 Q. (By Ms. Weaver) Does Facebook in general
12:44:53 25 track revenue loss when it deprecates a product?

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12:44:56 1 MR. BENJAMIN: Objection to form and
2 scope.

3 THE DEPONENT: Can I clarify, do you mean
4 understanding what our revenue was before something
12:45:09 5 and then after?

6 Q. (By Ms. Weaver) Yes.

7 A. We track our revenue. There are lots of

8 factors that influence revenue and we do not
9 associate a change in revenue specifically with the
12:45:24 10 removal of targeting because it is not a one to one
11 relationship and.

12 Q. And --

13 A. Yes, yeah.

14 Q. I understand the point but here Facebook
12:45:34 15 deprecated a product, correct?

16 A. We deprecated targeting options and as
17 clarified I call those products.

18 Q. And products have budget, don't they?

19 MR. BENJAMIN: Objection to form and
12:45:47 20 scope.

21 THE DEPONENT: Budgets in the sense of
22 the amount of money Facebook uses to build those
23 products?

24 Q. (By Ms. Weaver) Yes. And, again, we
12:45:54 25 were talking about the advertising products.

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12:46:00 1 A. We -- we -- we do fund our product teams
2 and the resources to build a product that is pretty
3 separate from a revenue calculation.

4 Q. Does Facebook provide or -- strike that.

12:46:13 5 Does Facebook track the revenue that
6 certain products generate?

7 MR. BENJAMIN: Objection to scope.

8 THE DEPONENT: For ads it is not a one to
9 one relationship because there are multiple
12:46:34 10 targeting options involved in any ad and so there
11 isn't a way to track it directly back to a
12 targeting option to track revenue definitely back
13 to a targeting option.

14 Q. (By Ms. Weaver) Are you saying that this
12:46:48 15 product was a targeting option in your answer?

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: It would be political --

18 Q. (By Ms. Weaver) The reason I'm asking
19 you are keeping answering in generalities and I'm
12:47:02 20 talking these politically targeting segments that
21 you just discussed, did Facebook's revenue decrease
22 when it deprecated them?

23 MR. BENJAMIN: Objection to scope.

24 THE DEPONENT: These targeting
12:47:19 25 products -- these specific political segments were

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12:47:24 1 deprecated there is not one to way to measure if

2 any increase or decrease in revenue is related to
3 that depreciation.

4 Q. (By Ms. Weaver) I'm not asking about a
12:47:30 5 one to one ratio. I'm just asking, after Facebook
6 deprecated these products, did its targeting
7 revenue decrease?

8 MR. BENJAMIN: Objection to form. Asked
9 and answered. Vague. And outside the scope.

12:47:45 10 THE DEPONENT: I think the issue is the
11 question assumes causality. If revenue changed in
12 the last six months, there could be many reasons
13 for that.

14 Q. (By Ms. Weaver) Okay. But as you sit
12:47:58 15 here I will worry with my experts about causation
16 I'm simply trying to get the facts.

17 As you sit here, do you know if
18 Facebook's revenue decreased after it deprecated
19 political targeted advertising segments?

12:48:12 20 MR. BENJAMIN: Objection to form. Asked
21 and answered. Vague. Argumentative. And outside
22 the scope.

23 THE DEPONENT: I do not know our revenue
24 decreased because of a removal of these targeting
12:48:25 25 options that is not something that we can measure.

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12:48:27 1 Q. (By Ms. Weaver) That's not what I'm
2 asking.

3 Facebook deprecated political targeting
4 segments in March 2020, correct?

12:48:35 5 A. 2022.

6 Q. Sorry. 2022.

7 Did Facebook's revenue for targeting
8 advertising decrease in API 2022?

9 MR. BENJAMIN: Objection to form. Asked
12:48:48 10 and answered repeatedly. Argumentative. Outside
11 the scope.

12 THE DEPONENT: I don't know how else to
13 answer the question then to help disassociate these
14 because if our -- our -- our -- I would like our
12:49:06 15 quarterly statements represents what revenue is
16 doing and those are not directly related and -- one
17 to one fashion with any one product deprecation.

18 Q. (By Ms. Weaver) I was just asking if
19 revenue decreased. Do you know the answer?

12:49:22 20 MR. BENJAMIN: Same objections as the
21 prior two questions.

22 MS. WEAVER: It's not I don't have an
23 answer I'm entitled either you don't know

24 this is the question.

12:49:31 25 Between March of 2022 and April of 2022,

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12:49:36 1 did Facebook's targeted advertising revenue

2 decrease.

3 MR. BENJAMIN: Objection to form. Asked

4 and answered. Argumentative. Vague. Outside the

12:49:49 5 scope.

6 THE DEPONENT: I would have to reference

7 our quarterly earnings statements to answer that

8 and I don't know it more granularity.

9 Q. (By Ms. Weaver) Do you receive reports

12:50:00 10 of Facebook's targeted advertising revenue on a

11 weekly or monthly basis?

12 MR. BENJAMIN: Objection to form.

13 Compound.

14 THE DEPONENT: I personally do not

12:50:18 15 receive a continuous update of our revenue. No.

16 Q. (By Ms. Weaver) Do you know if one

17 exists at Facebook I wasn't asking you personally I

18 was asking Facebook the deponent. So does Facebook

19 prepare and circulate weekly or monthly snapshots

12:50:36 20 of targeted advertising revenue?

21 MR. BENJAMIN: Objection to form and
22 scope.

23 THE DEPONENT: Can I ask a clarifying
24 question, are you specifically -- when you say

12:50:50 25 targeted advertising revenue "did you just mean our

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12:50:53 1 ads business"?

2 Q. (By Ms. Weaver) What is targeting?

3 A. Those are one in the stamp in my mind I
4 want to.

12:50:57 5 Q. Okay?

6 A. Make sure that's also the case when you
7 are saying.

8 Q. Yes. Fine ads business but broken out by
9 with some granularity as opposed to the public

12:51:08 10 facing documents. So let me ask it again.

11 Does Facebook prepare and circular weekly
12 or monthly snapshots of targeted advertising
13 revenue?

14 MR. BENJAMIN: Objection to form.

12:51:31 15 THE DEPONENT: We tracked revenue from

16 our ads business, the -- it is not broken out by

17 targeting by targeting option that is not a

18 granularity that we break out because it is not a
19 measurement of revenue.

12:51:45 20 Q. (By Ms. Weaver) Does it break it out by
21 core audience, behavior and custom audience?

22 MR. BENJAMIN: Objection to form.

23 THE DEPONENT: No.

24 Q. (By Ms. Weaver) How does it break it
12:51:59 25 out?

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12:52:01 1 A. It breaks out by region in the sense of
2 where we are making this money. And where
3 advertisers spending on our platform. And it
4 breaks it out by usually by size of advertisers so

12:52:15 5 is this an advertiser we can consider a small
6 medium business or a large advertiser.

7 Q. And how often are these reports
8 circulated?

9 MR. BENJAMIN: Objection to form and
12:52:29 10 scope.

11 THE DEPONENT: Our ads leadership teams
12 might get these once a week.

13 Q. (By Ms. Weaver) What are they called?

14 A. I honestly don't know what the name of

12:52:46 15 the report or -- might be, I don't know.

16 Q. Do you know who would know?

17 MR. BENJAMIN: Objection to scope.

18 THE DEPONENT: Part of our analytics team

19 would know. But I don't know a specific name. As

12:53:06 20 I said these -- well, yeah.

21 Q. (By Ms. Weaver) Who were did main

22 advertisers who were paying for political targeting

23 segments between the time period 2014 to 2022?

24 A. To clarify.

12:53:25 25 MR. BENJAMIN: Objection to form.

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12:53:28 1 THE DEPONENT: To clarify when you saying

2 "paying for political targeting segment you mean

3 choosing to one with ad part of desired audience"?

4 Q. (By Ms. Weaver) Yes.

12:53:37 5 A. Okay. I don't know the -- the advertiser

6 entity breakdown for those over -- over seven

7 years. But that's not something I know off the top

8 of my head.

9 Q. I didn't ask for the advertising entity

12:53:55 10 breakdown but can you name any companies who paid

11 for political targeted advertising from the time

12 period 2014 to 2022?

13 MR. BENJAMIN: Objection to form.

14 Argumentative. And scope.

12:54:17 15 THE DEPONENT: This -- I would be

16 speculating without looking at that specifically

17 that would be something that we would look up more

18 so than know generally.

19 Q. (By Ms. Weaver) So the name

12:54:27 20 Cambridge Analytica doesn't come to mind?

21 MR. BENJAMIN: Objection to form.

22 Argumentative.

23 THE DEPONENT: It didn't come to mind,

24 no.

12:54:36 25 Q. (By Ms. Weaver) Was Cambridge Analytica

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12:54:37 1 one of the companies that paid Facebook for

2 targeted political targeting during the time period

3 from 2014 to 2022?

4 A. And, again, specifically meaning did

12:54:49 5 Cambridge Analytica create an ad using those

6 targeting options?

7 Q. Yeah.

8 A. I -- I don't know.

9 Q. Do you know whether or not

12:55:03 10 Cambridge Analytica paid Facebook \$100 million for
11 advertising of a political nature in 2016?

12 A. I do know.

13 MR. BENJAMIN: Objection to form.

14 THE DEPONENT: That Cambridge Analytica
12:55:17 15 advertised on our platform.

16 Q. (By Ms. Weaver) But you don't know the
17 amount and what for?

18 A. I don't know.

19 MR. BENJAMIN: Objection -- objection to
12:55:27 20 form and scope.

21 THE DEPONENT: I do not know the exact
22 amount or the exact targeting options that they
23 choose for their desired audience.

24 Q. (By Ms. Weaver) What do you know about
12:55:38 25 that topic?

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12:55:42 1 MR. BENJAMIN: Objection to form.
2 Argumentative and scope.

3 THE DEPONENT: About ad targeting I'm
4 happy to chat through more on the segments and how
12:55:54 5 anything about those. I don't -- I'm not sure if

6 that's what you meant or if you mean specifically
7 Cambridge.

8 Q. (By Ms. Weaver) I mean

9 Cambridge Analytica which is the trigger for this
12:56:05 10 lawsuit and what Cambridge Analytica paid Facebook
11 for targeted political advertising?

12 A. I do not know details about the -- the
13 Cambridge Analytica spend specifically.

14 Q. Do you know anything else about what why
12:56:28 15 Cambridge Analytica was paying for Facebook for
16 advertising in 2016?

17 MR. BENJAMIN: Objection to both form and
18 scope.

19 THE DEPONENT: I think you are indicating
12:56:43 20 if there were other reasons they -- they paid us.
21 I do not know of those.

22 Q. (By Ms. Weaver) Did Facebook makes
23 changes to the political targeting segments in 2018
24 as a result of the Cambridge Analytica scandal?

12:57:13 25 A. No.

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12:57:13 1 Q. And how do you know that?

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: I was part of the team but
4 also from speaking to some of the -- throughout my
12:57:31 5 prep in understanding how we evolved these segments
6 and it was not linked to Cambridge Analytica.

7 Q. (By Ms. Weaver) When you say you were
8 part of the team, which team do you mean?

9 A. I worked on ads as part of the policy
12:57:46 10 team and at Meta working on ads.

11 Q. And so what was the reason for making the
12 changes to targeted advertising in 2018?

13 A. Specifically the segments we evolved the
14 way we were creating them. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18 Q. Right. You described that earlier.

19 The question I asked you was why. What
12:58:30 20 is the reason?

21 A. Those were updated models that -- that
22 would function better to show people relevant ads.

23 Q. How would they function better and how
24 did you determine that?

12:58:48 25 MR. BENJAMIN: Objection to form.

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12:58:52 1 THE DEPONENT: When those were options
2 are added in we found -- those -- those options
3 were performed better to show people relevant ads.

4 Q. (By Ms. Weaver) How do you know they
12:59:03 5 performed better?

6 A. We saw advertisers using them and we saw
7 people engaging with those ads.

8 Q. Were there reports generated that
9 reflected data to you that indicated that these ads
12:59:19 10 were performing better prior to making the change?

11 A. Meaning specifically was there alive test
12 for this?

13 Q. I'm trying to understand the information
14 that you use when decided to make this change.
12:59:35 15 Just telling me you -- that you made the change
16 doesn't explain why so?

17 A. Yeah.

18 Q. I'm trying to understand the information
19 that you used to make this change, were there
12:59:45 20 studies were there analyses?

21 MR. BENJAMIN: Objection to form.

22 Q. (By Ms. Weaver) I ask the question
23 again.

24 Were there reports generated that

12:59:54 25 reflected data that indicated these ads were

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12:59:56 1 performing better prior to making the change?

2 A. Not in the form of a before and after
3 snapshot. Our teams build new targeting options
4 because they want to evolve the platform and evolve

01:00:20 5 the tools we offer. This is an example of that
6 where the 2014 to 2018 method of creating those
7 segments wasn't what our -- what the team felt was
8 like the best way to do it. And so they created
9 the next version which was an updated way that used

01:00:42 10 content engagement and performed well for those ads
11 he in that when we launched those advertiser used
12 them and people saw and engaged with the ads.

13 Q. Did Facebook make any changes to how it
14 conducted political targeted advertising as a

01:01:02 15 result of Cambridge Analytica scandal?

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: No.

18 Q. (By Ms. Weaver) Okay.

19 Q. So Facebook provides metrics to

01:01:36 20 advertisers about their advertisers, correct?

21 A. Yes.

22 Q. What metrics does Facebook provide?

23 A. We provide performance metrics to

24 advertisers.

01:01:50 25 Q. Do you do those through the ad manager

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01:01:55 1 tool?

2 A. That is an example place where most

3 advertisers reference and get those yes.

4 Q. What the -- is the ad manager tool?

01:02:04 5 A. Ads manager is the -- I that advertisers

6 can both place their ads to create the ad upload

7 the content for it and then also come back to -- to

8 understand how the ad is performing.

9 Q. And what is ads -- does -- does Facebook

01:02:23 10 also provide metrics through ads APIs?

11 A. Yes.

12 Q. And what are those and what information

13 does it provides through them?

14 A. An API --

01:02:35 15 MR. BENJAMIN: Objection to form.

16 THE DEPONENT: An API is a -- is a way to

17 programmatically call information instead of using

18 our -- our built interface. The API includes the

19 same information, so for an ad it would include the
01:02:55 20 impressions and clicks and the performance metrics
21 that -- for any given ad.

22 Q. (By Ms. Weaver) And does Facebook also
23 perform an analysis of the quality of the ad?

24 MR. BENJAMIN: Objection to form.

01:03:17 25 THE DEPONENT: I want to be sure this is

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01:03:19 1 in context that you are thinking of.

2 Q. (By Ms. Weaver) Okay.

3 A. As part of ad delivery, our -- as part of
4 our total value equation that I was talking about
01:03:27 5 earlier we do include ad quality. And that is our
6 prediction of -- of the type of ad and whether it
7 is sensational or -- or click baity or the quality
8 of the images of the ad.

9 Q. When you say sensational, what do you
01:03:48 10 mean?

11 A. Collar to click bait it's when like the
12 text is -- is ten great tips for is an example. Of
13 sensational click bait text.

14 Q. So but for the record what do you mean by
01:04:07 15 click bait?

16 A. Click bait is and I will -- will -- is
17 like an industry concept around ads, which is
18 usually that the ad does not provide the actual
19 message. It is meant to entice someone to click so
01:04:25 20 it's a catching key headline in order to get to the
21 content somewhere else.

22 Q. And do advertisers pay for more for click
23 bait?

24 MR. BENJAMIN: Objection to form and
01:04:42 25 scope.

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01:04:42 1 THE DEPONENT: So the importance of ad
2 quality in our -- in our delivery system is to help
3 us ensure that we are taking into consideration
4 different parts of the ad in order to determine who
01:04:55 5 should see it.

6 So the advertisers bid is part of it.
7 The estimated rate which represents people's
8 interest and the ad quality of the ad of lower
9 quality less likely to be delivered and ad of
01:05:08 10 higher quality that doesn't have click baity
11 content in is more likely to be delivered.

12 Q. (By Ms. Weaver) So how does Facebook

13 analyze ad quality?

14 A. By analyze we look -- as part of our ad
01:05:26 15 delivery it's the machine-learning models also look
16 at -- the text of the ad, the images and whether
17 it's been -- whether people have hidden it and kind
18 of user feedback on I as well to establish if it --
19 a predictions of attorney-client communications
01:05:44 20 quality.

21 Q. And what are the factors that tend to
22 cause people to take action about an ad which --
23 which increases its ad quality?

24 A. Sorry can you clarify people take action
01:06:01 25 on ad that increases its ad quality.

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01:06:03 1 Q. Okay. Well, you described that one of
2 the components is for example, whether people have
3 hidden an ad. As well as user feedback, right?

4 A. Yes.

01:06:12 5 Q. Would you describe people high hiding an
6 ad as taking action?

7 A. I would. It doesn't IP accuracy ad
8 quality.

9 Q. Okay. Are there actions that people take

01:06:22 10 that do increase ad quality?

11 A. No we use it as a way to understand if
12 people are seeing something problematic, so it
13 is -- it is an indication of someone not wanting to
14 seek content that what's feeds into ad quality.

01:06:41 15 Q. And how do you infer that time do want to
16 see content?

17 A. By choosing to hide the ad Wyoming is
18 choice on the ad for people.

19 Q. So Facebook take steps to try to identify
01:06:56 20 what ads users do not want to see?

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: Can you clarify if you
23 mean generally as part of ad quality.

24 Q. (By Ms. Weaver) Yes.

01:07:11 25 A. On a more individual level.

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01:07:14 1 Q. Generally as part of ad quality?

2 A. That's precisely why we include ad
3 quality in our ad delivery so is that a part of a
4 feedback loop from someone potentially not wanting

01:07:25 5 to see something that feeds into our -- our ad
6 delivery because the goal of that delivery is to

7 show people ads they want to see.

8 Q. And what is the purpose of an ad quality
9 score in providing it to advertisers?

01:07:40 10 A. It provides advertisers with transparency
11 into how the part of their ad performance.

12 Q. Is it true, that advertisers will pay
13 more for ads with a higher ad quality score?

14 MR. BENJAMIN: Objection to scope.

01:08:04 15 THE DEPONENT: Can you clarify what you
16 mean pay for more.

17 Q. (By Ms. Weaver) Yes.

18 How was Facebook compensated for
19 advertising?

01:08:14 20 A. Advertisers create the ad and they pay
21 for the -- the delivery of that ad for -- for
22 the -- the -- the every time the ad is shown.

23 Q. And if advertisers don't buy ads on
24 Facebook, Facebook doesn't earn money from them,

01:08:34 25 right?

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01:08:37 1 A. We would not have ad spend from them,
2 correct.

3 Q. And is ad spend effected by increasing ad

4 quality scores at Facebook?

01:08:52 5 A. So.

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: To be clear -- to clarify,
8 ad spend is based on how often or the fact that we
9 have shown the ad, so it is separate from ad score.

01:09:06 10 Ad score is part of the delivery to determine who
11 sees the ad. It's not that they are paying for ad
12 score.

13 Q. (By Ms. Weaver) Right. I understand
14 that.

01:09:17 15 A. Okay.

16 Q. This is not very complicated I'm just
17 trying to get basic established. Right. Facebook
18 creates ad scores so as a marketing tool to
19 encourage people to add material vise on Facebook
01:09:28 20 because you are saying look high quality ads you
21 are getting responses is that fair?

22 MR. BENJAMIN: Objection to form.

23 THE DEPONENT: No. It's our assessment
24 of the quality of their ads so that they understand
01:09:39 25 if they had low performance if it's due to a low

01:09:42 1 quality ad. Or if they need to increase their
2 performance or increase the quality of their ads in
3 order to see better performance because people like
4 better ads than bad ads.

01:09:55 5 Q. (By Ms. Weaver) Right ads are per
6 recalling better advertisers buy more of them less
7 of them because they are not performing better,
8 right?

9 MR. BENJAMIN: Objection to form. And
01:10:07 10 scope.

11 THE DEPONENT: I think the courts.

12 Q. (By Ms. Weaver) Do advertisers like to
13 pay low performing ads or high performing ads?

14 A. Advertisers wouldn't be paying if the ad
01:10:22 15 isn't performing they their spend is based on the
16 ad actually being shown and the action being taken.

17 Q. So cocaine's the performance of the ad
18 increases the advertisers ad spend, correct?

19 MR. BENJAMIN: Objection to form.

01:10:39 20 THE DEPONENT: I think we are using the
21 word the words differently here. It's -- it's
22 that -- their spend proportional to people taking
23 the action on their ad. People taking that action
24 is because they want to -- so ad relevant they

01:10:59 25 click and advertiser pays for that.

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01:11:02 1 If an ad score is low, the people are
2 less leakily to take that action and it is a way
3 for advertisers to understand how to create a
4 better ad if they want to. There is no requirement
01:11:17 5 to but if they want to create a better ad and then
6 see better performance because that ad is a better
7 ad, they will then pay for the better performance.

8 Q. (By Ms. Weaver) Exactly.

9 And so it's in Facebook's financial
01:11:32 10 interest to -- kinds of ads people do not want to
11 see because they will not take action and the
12 advertiser will not pay Facebook because it's not a
13 higher performing ad, right?

14 MR. BENJAMIN: Objection to form.

01:11:51 15 THE DEPONENT: I think what you've
16 identified is the fact that we should want to show
17 good ads because it's better for both people who
18 want to see better ads and don't want terrible ads
19 in newsfeed and for advertisers because now they
01:12:04 20 are connected in with a user. That is very
21 different than a marketing play that I think is
22 being described here. It is simply that we ban

23 better ads on the platform and this is an example
24 of that.

01:12:17 25 Q. (By Ms. Weaver) Why does Facebook want

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01:12:19 1 better ads on the platform?

2 A. To provide a free service to people.

3 Q. It's not because Facebook wants to make
4 more money you remember you are under oath?

01:12:29 5 A. We make money to provide a free service
6 to people.

7 Q. Okay.

8 MR. BENJAMIN: An objection to the last
9 question.

01:12:35 10 Q. (By Ms. Weaver) Does Facebook make more
11 money when people take more actions on ads?

12 MR. BENJAMIN: Objection to form.

13 THE DEPONENT: Yes.

14 Q. (By Ms. Weaver) Thank you.

01:12:57 15 Preparing for your deposition, did you
16 review any reports that Facebook provides to tiff
17 advertisers that reflects the metrics of their
18 campaigns?

19 A. I -- I didn't review any specific

01:13:20 20 reports.

21 Q. Do you review them on a daily basis?

22 A. Through the course of my job, no.

23 Q. Are they -- did you at one point when

24 were you in ads integrity?

01:13:35 25 MR. BENJAMIN: Objection.

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01:13:35 1 THE DEPONENT: Review --

2 MR. BENJAMIN: Objection to scope.

3 THE DEPONENT: Review reports about

4 advertisers?

01:13:42 5 Q. (By Ms. Weaver) Let me rephrase the
6 question.

7 Facebook?

8 A. Yes.

9 Q. Provides analytics to advertisers through

01:13:49 10 at least two kinds of tools, right?

11 A. Yes.

12 Q. What are those reports look like?

13 MR. BENJAMIN: Objection --

14 THE DEPONENT: In --

01:13:57 15 MR. BENJAMIN: -- to form.

16 THE DEPONENT: In ads manager it will

17 show for that ad as an example the aggregate count
18 of impressions or clicks it received and the
19 amounts spend. The same information would be
01:14:10 20 provided in the API for someone to call if they
21 wanted outside of the UI.

22 Q. (By Ms. Weaver) And did you in preparing
23 for this deposition today review any such reports?

24 A. I did not go and specifically look up an
01:14:29 25 ads's report, no.

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01:14:32 1 Q. Can you identify the -- all of the exact
2 metrics that are provided to advertisers.

3 MR. BENJAMIN: Objection to form and
4 scope?

01:14:47 5 A. Off the top of my head I can explain the
6 buckets of performance metric that we provided.

7 Q. Okay. What are the buckets?

8 A. As I said there -- those center around
9 the -- the performance of the ad. So how much
01:15:02 10 impressions has it shown. How many clicks has it
11 generated. How many people have taken the action
12 that the advertiser that -- that objective. Ad
13 score is also included and the amount spend. So

14 that an advertisers understand how their ad is
01:15:19 15 delivering on Facebook.

16 Q. And just to address again an out of scope
17 objection at the bottom of page two of Exhibit 657
18 it says, Ms. Leone will be prepared to discuss the
19 metrics Facebook provides advertisers about their
01:15:37 20 advertisements which Facebook provides through its
21 ad manager tool and ads APIs.

22 So you describe the buckets but you can't
23 identify all of the specific metrics; is that
24 right?

01:15:51 25 A. I don't have memorized line item every

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01:15:55 1 single metric. But yes the purpose and the fact
2 that we provide how the ad is delivering the
3 actions people have taken and the ad score and ad
4 spend.

01:16:07 5 Q. And has that changed over time from 2007
6 to the present?

7 A. Our UIs have changed over time and so the
8 format of those has changed, yes.

9 Q. And what has changed?

01:16:24 10 A. The way we display those has changed. As

11 we ad in a new objectives also the type of metric
12 that relates to it would have been added in as
13 well.

14 Q. When you say type of metric that relates
01:16:38 15 to it what do you mean?

16 A. For example, a click or if you run a a
17 page like ad we will show you how many people
18 actually liked the page from that ad which is
19 different from if you run a website click ad how
01:16:56 20 many people click because the action they took is
21 different so the metric would -- would -- would be
22 related to the action taken.

23 Q. How does Facebook beside what to charge
24 for the ads that it serves for advertisers?

01:17:21 25 A. Our -- there two parts to this primarily.

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01:17:25 1 There's the advertiser sets a bid so they decide
2 how much they want to pay to show the ad to their
3 desired audience in then in our ad auction we take
4 that into account. We know for a given user, all
01:17:41 5 of the ads they are eligible to see and the bids
6 for those ads, and out of the total value equation
7 we determine which ads should within the auction.

8 At that point they are charged the second highest
9 bid.

01:17:59 10 Q. And when you say you take into account an
11 ads a given user can see, does Facebook perform a
12 calculation of the revenue that has been associated
13 with given users?

14 A. Can you -- can you clarify what you mean
01:18:16 15 there?

16 Q. Does Facebook perform a calculation of
17 revenue that has been associated with ads served to
18 a given user?

19 A. I understand you to mean whether we
01:18:30 20 calculate the total amount of -- that we were paid
21 for an impression to show a specific user.

22 Q. Yes.

23 A. No.

24 Q. Facebook does and can identify all of the
01:18:44 25 ads that were shown to a specific user, right?

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01:18:48 1 A. Yes.

2 Q. And Facebook can also calculate how much
3 it was paid for a given -- ad campaign in which
4 those ads were shown, right?

01:18:58 5 A. The total spend, yes.

6 Q. And so you would calculate the total
7 spend by the number of users who received that ad
8 if you wanted to calculate the average revenue per
9 user, right?

01:19:12 10 MR. BENJAMIN: Objection to form.

11 THE DEPONENT: So calculating the total
12 spend of an ad would not get me to the individual
13 revenue from showing an another to one user.

14 Q. (By Mr. Benjamin) If divided the number
01:19:26 15 of the users by the total spend why wouldn't that
16 give you an average revenue per user?

17 A. For that one ad?

18 Q. Or campaign or for an ad, sure?

19 A. Sorry to clarify if you have the total
01:19:39 20 spend from a specific ad, and you know the 200
21 people who saw that ad, yes you would divide the
22 total spend by the 200 impressions and then say
23 there's a cost per impression.

24 Q. And does Facebook calculate whether
01:19:58 25 certain Facebook users generate more revenue for

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01:20:04 1 Facebook than others?

2 A. No.

3 Q. Based on their responses to advertising?

4 A. No.

01:20:11 5 Q. So in fact all Facebook users are viewed
6 equal lie by Facebook with regard to the amount of
7 revenue that they generated for Facebook; is that
8 fair?

9 MR. BENJAMIN: Objection to form.

01:20:24 10 Misstates.

11 THE DEPONENT: We just -- we don't have
12 an assessment of user by user revenue associated
13 with them.

14 Q. Great.

01:20:39 15 Did Facebook at some -- some time engage
16 an effort to restrictive versions use of
17 advertising related data?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: For advertising related
01:21:09 20 data do you mind clarifying kind of -- kind of what
21 you are thinking of there.

22 Q. Sure.

23 A. Just so I am.

24 Q. Sure. I'm reading counsel letter ad
01:21:18 25 targeting page three and it says "Ms. Leone will be

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01:21:21 1 prepared to discuss Facebook's policies restricting
2 advertiser use of advertising related data i.e.
3 limiting it to its use case"?

4 A. Yes.

01:21:38 5 Q. What is?

6 A. So --

7 Q. Let me ask the question?

8 A. Yeah, yeah, please.

9 Q. What is advertising related data mean in
01:21:46 10 that sentence?

11 A. I'm not 100 percent sure exactly what it
12 means here. But this is meant to indicate that we
13 have terms and policies around the use of data
14 that's related to ads and this references that, so
01:22:07 15 as an example, we have custom audience terms and we
16 have business tool terms so what are the custom
17 audience terms.

18 A. When someone uploads a customer list,
19 they agree to those terms and those are the
01:22:32 20 policies that -- in order to use that product.

21 Q. What is a customer list?

22 A. A customer list is one of types of the
23 custom audiences it's a targeting opposite that an

24 advertiser can use.

01:22:49 25 Q. Okay. Let's talk about custom audience

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01:22:52 1 for a minute and take a pause. What are custom
2 audiences?

3 A. Custom audiences was one of that -- that
4 kind of like third bucket of targeting tool types.

01:23:04 5 Within it customer list is one where an advertiser
6 uploads a -- a list of their existing customers.

7 Q. And does Facebook then possess the
8 customer list?

9 A. No. We hash the list when an advertiser
01:23:25 10 uploads it the identifiers in that list and then we
11 compare it to our hash data to understand a match
12 and then we delete the advertiser list. And we do
13 not send them back the information about the users
14 who matched.

01:23:46 15 Q. What analytics does Facebook provide
16 advertisers who advertiser through custom
17 audiences?

18 A. When argumentative verify creates a
19 custom audience or the customer list specifically

01:23:58 20 here, they would understand within ranks the size

21 of it, and when they then use it for their audience
22 they would get the same reporting metrics that we
23 per performance metrics that we provide for any ad.

24 Q. And over time has the size of accustom
01:24:21 25 audience that an advertiser collects change?

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01:24:26 1 MR. BENJAMIN: Objection to form.

2 THE DEPONENT: Can you clarify what you
3 mean by advertiser collect here?

4 Q. Sorry over the time of a custom audience
01:24:43 5 Aaron reports get by an advertiser changed?

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: The customer list is
8 provided by the advertiser, that is something
9 that -- that they decide. The size of and -- and
01:24:56 10 bring in -- and uploading, so really this -- it's
11 independent of us they -- they make that choice
12 based on their existing customers and their desired
13 audience.

14 Q. (By Ms. Weaver) Does Facebook also
01:25:10 15 create custom audiences not from customer lists but
16 through other characteristics?

17 A. There were the two other types of custom

18 audiences one is based on our business tools, so
19 website custom audiences or an app custom audience
01:25:30 20 and then the other category was based on engagement
21 custom audiences, which is engagement with people
22 who have interacted with your page on Facebook.

23 Q. So what are website or app custom
24 audiences?

01:25:48 25 A. Website and app custom audiences are re

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01:25:51 1 engagement through our business tools, so when --
2 when a website owner or an app has our business
3 tools, as an example, a website could say, I will
4 put the pixel on the check out. They would then be
01:26:11 5 able to use the targeting tool to or the targeting
6 option of website custom audiences to re engage
7 with people who have taken that action on their
8 website.

9 THE DEPONENT: Apology is my video
01:26:23 10 jumping to anybody else; it's a little bit.

11 Okay.

12 MS. WEAVER: We can go off the record if
13 you are having an issue.

14 THE DEPONENT: No, we are good.

01:26:30 15 Q. (By Ms. Weaver) Okay. And the second is
16 engagement audiences is that correct?

17 A. Engagement custom audiences, yes.

18 Q. And what are those?

19 A. Those are based on on-site engagement, so
01:26:56 20 a Facebook page, did followers of that Facebook
21 page the advertiser for that page would be able to
22 re engage, with -- with that group of users by
23 saying I want to reach back to people who have
24 engaged with -- or followed my page.

01:27:16 25 Q. And with regard any of these three

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01:27:19 1 thinned audience Facebook restricted op the size
2 of the audiences that advertiser may target from
3 2007 to the present?

4 A. Yes.

01:27:27 5 Q. Why?

6 A. We've -- we have a minimum of the
7 audience side will deliver to help ensure that
8 advertisers aren't distilled information from --
9 from that delivery.

01:27:44 10 Q. And how is it changed specifically over
11 time.

12 MR. BENJAMIN: Objection to form.

13 THE DEPONENT: Those thresholds have --

14 have changed -- they have increased, so for

01:28:00 15 example, it increased I know like for customer list

16 it is 100 we have to 100 match in order to use that

17 audience.

18 Q. (By Ms. Weaver) This is as of 2022?

19 A. It is currently, yes and over time

01:28:23 20 that -- that was increased. There was always a

21 minimum and I believe -- I don't know exactly what

22 that was. But it -- we've seen -- we have

23 revisited those thresholds and we increased them I

24 believe in 2018.

01:28:43 25 Q. Do you know generally what range they

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01:28:46 1 were in prior to 2018?

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: I don't. I don't recall

4 specifically what they were.

01:29:06 5 Q. (By Ms. Weaver) Was it less than 20?

6 A. No, no.

7 Q. Was there any point in time in which from

8 2007 to the present, at which advertiser could

9 target custom audiences of 20 people or fewer?

01:29:26 10 MR. BENJAMIN: Objection to form.

11 THE DEPONENT: No fewer than 20 people is

12 not allowed, has not been allowed in a custom

13 audience and we don't enable an advertiser to

14 target singular users that's -- that's partly why

01:29:39 15 we have this protection in place.

16 Q. (By Ms. Weaver) And why is that why

17 don't Facebook allow advertiser to target singular

18 users?

19 A. That's not the way we have built our

01:29:52 20 targeting system one of our core areas is that we

21 don't tell an advertiser who you are provide

22 information to them for that purpose.

23 And a -- a protection to do is to ensure

24 that there is an audience minimum.

01:30:07 25 Q. And I'm -- I understand what you are

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01:30:09 1 saying what. But I'm asking again, why does

2 Facebook allow individual users to be targeted?

3 A. Because we -- we don't want an advertiser

4 to have information about an individual user, that

01:30:23 5 is way we have set up our system.

6 Q. And why doesn't Facebook want an
7 advertiser to have information about an individual
8 user?

9 MR. BENJAMIN: Objection to form. Asked
01:30:33 10 and answered.

11 THE DEPONENT: We -- we specifically tell
12 users that we don't tell an advertiser about them.
13 And we have consistently maintained that and that's
14 also why we build our products to ensure that --
01:30:49 15 with the protection so that that's not the outcome.

16 Q. (By Ms. Weaver) And why does Facebook
17 specifically tell users that it will not allow
18 advertisers to individually identify them?

19 MR. BENJAMIN: Objection to form.

01:31:07 20 THE DEPONENT: I'm not sure how to answer
21 this differently. But it's our system -- we built
22 our system with that as a guiding principle because
23 we think that's an important part of being on
24 Facebook and so we have maintained that and these
01:31:20 25 are the some of the protections that help to

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01:31:23 1 maintain that.

2 Q. (By Ms. Weaver) Is it because Facebook

3 has promised users privacy?

4 MR. BENJAMIN: Objection to form. Asked

01:31:33 5 and answered.

6 THE DEPONENT: I think -- we are very up

7 front with users that we show ads and how our

8 system works, including this portion of it. And

9 this helps ensure that that that is the case. I

01:31:51 10 don't think we've -- we relate it to a nondefined

11 concept of privacy in the way that we are talking

12 about it right now.

13 Q. (By Ms. Weaver) So Facebook is not

14 preventing advertisers from targeting individual

01:32:09 15 users because of privacy concerns; is that your

16 testimony?

17 A. That is not my testimony.

18 MR. BENJAMIN: Objection. And yeah --

19 MS. WEAVER: I'm just trying to get --

01:32:19 20 MR. BENJAMIN: We went out of order, I am

21 sorry.

22 Objection to form. Misstates.

23 Argumentative.

24 You can answer.

01:32:25 25 THE DEPONENT: It's not my testimony.

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01:32:26 1 Q. (By Ms. Weaver) I'm going to ask you
2 again, is Facebook preventing advertisers from
3 targeting individual users to protect users
4 privacy?

01:32:42 5 A. We do not want -- we don't allow an
6 advertiser to target an individual user and we
7 don't tell advertisers who saw their ad so they
8 learn about individual users and we -- and we state
9 that to users.

01:32:59 10 Q. Just -- it's getting from frustrating in
11 this deposition. Because you are just repeating
12 the facts and I am trying to ask why.

13 So what is the reason that Facebook built
14 its platform so that in advertisers could not

01:33:17 15 target individual users?

16 MR. BENJAMIN: Objection to form.
17 Argumentative. Asked and answered.

18 You can answer.

19 THE DEPONENT: This is one of our guiding
01:33:28 20 principles for our ad system. It's part of how we
21 have built it. And how we help users understand
22 and maintain their trust with Facebook.

23 Q. (By Ms. Weaver) Can you confirm that one
24 of the reasons Facebook did that was to protect

01:33:43 25 users privacy?

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01:33:47 1 MR. BENJAMIN: Objection to form.

2 THE DEPONENT: Can you provide an example
3 of what it is you mean by users privacy and
4 protecting it?

01:33:56 5 Q. (By Ms. Weaver) Well, let me go back you
6 said it was a guiding principle of Facebook, right?

7 A. For building our ad system, yes.

8 Q. Why is it a guiding principle.

9 A. Because we wanted to ensure that people
01:34:14 10 both like trust the information they provide us and
11 continue to use our platform and this was one of
12 the areas where that was important.

13 Q. Thank you.

14 MR. BENJAMIN: Ms. Weaver we -- we have
01:34:29 15 been going for a good time over an hour would now
16 be a good time for a break.

17 MS. WEAVER: Just give me a moment.

18 MR. BENJAMIN: Of course.

19 Q. (By Ms. Weaver) You said that Facebook
01:34:45 20 at no time allowed advertisers to target a custom
21 audience of 20 or fewer do you recall that?

22 A. Fewer than 20.

23 MR. BENJAMIN: Objection. Misstates

24 testimony.

01:34:55 25 Q. (By Ms. Weaver) What is the -- what is

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01:34:58 1 lowest number that Facebook has permitted

2 advertisers to target in terms of the size of the

3 custom audience?

4 A. I believe the customer list is 20.

01:35:14 5 Q. And what the lowest number for the other

6 two kinds of audiences?

7 A. I believe also 20.

8 MS. WEAVER: Great. We can take a break.

9 THE VIDEOGRAPHER: Okay we are off the

01:35:35 10 record it's 1:35 p.m.

11 (Recess taken.)

12 THE VIDEOGRAPHER: We are back on the

13 record it's 1:55 p.m.

14 (Exhibit 658 was marked for

01:55:04 15 identification by the court reporter and is

16 attached hereto.)

17 Q. I'm going to show what is going to be

18 marked or what will be mark as Exhibit 658

19 MS. WEAVER: For the record it's bates

01:55:19 20 numbers FB-CA-MDL-0386899 through -907 and I think
21 it's up.

22 THE DEPONENT: I have it up.

23 Q. (By Ms. Weaver) Okay. Great.

24 When you have a moment please just tell
01:55:37 25 me what it is?

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01:55:49 1 A. This was similar to alike a blog post
2 that we put on business blog that explains machine
3 learning in ad delivery.

4 Q. And looking to the second page of the
01:56:01 5 document starting at Bates number -900 are the last
6 three digits?

7 A. Yup.

8 Q. Do you see where it says first how does
9 Facebook decide which ads to show people and then
01:56:13 10 there's an answer below the question, right?

11 A. Yes.

12 Q. And the second paragraph begins or second
13 paragraph begins first advertisers choose their
14 target audience through our self service tools.

01:56:29 15 Do you see that?

16 A. Yes.

17 Q. So specifically which target audience is
18 this document referring to here?

19 A. This refers to the audience selection
01:56:44 20 tools that an advertiser has in ads -- in something
21 like ads manager. I don't know if you mean
22 specifically what does the hyperlink go to.

23 Q. Is well that would be helpful too?

24 A. Okay. That I don't know off the top of
01:56:59 25 my head so that might be -- yeah.

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01:57:02 1 Q. Earlier you described different kinds of
2 custom audiences do you recall that?

3 A. Yes.

4 Q. So which audiences are being described
01:57:10 5 here?

6 A. This paragraph describes the totality of
7 the way an advertiser can select their audience
8 it's not specific to custom audiences.

9 Q. So when for example an advertiser wants
01:57:24 10 to use behaviors to target they first start here
11 with this target audience; is the right?

12 A. What this sentence refers to is in ads

13 manager when someone goes in to select their
14 desired audience. It's talking about all of the
01:57:42 15 options thereof which one is behaviors. One
16 category is behaviors, custom audience is another
17 category.

18 Q. Okay. And looking at the next page
19 ending at Bates number -901.

01:57:58 20 Do you see a Graph on that page?

21 A. I see the total value equation drawn out.

22 Q. What is the total valuation equation?

23 A. Total valuation is the description of our
24 ad auction and the -- in ad delivery.

01:58:27 25 Q. I am sorry you said it's the description

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01:58:29 1 of our ad auction in ad delivery?

2 A. Our -- so -- sorry. Our ad delivery
3 choosing the ad that we will show someone is based
4 on our auction. Total value score is we make that
01:58:46 5 determination it's the machine learning that is
6 used in ad delivery to make the determination of
7 which ad wins the auction.

8 Q. So the algorithm is performing an
9 analysis of the three factors below the words total

01:59:00 10 value in the Graph to determine which ad is shown;
11 is that right?

12 A. Multiple -- yes machine learn models are
13 performing that, yes.

14 Q. And even though it says total value what
01:59:12 15 that actually means is the ad that is shown?

16 A. Every ad that a person is eligible to
17 see -- receives a total value score and then the ad
18 that has highest total value score wins the auction.

19 Q. And when it wins the auction?

01:59:35 20 A. It do go.

21 Q. Is Facebook then paid revenue for the
22 total value ad that is selected?

23 MR. BENJAMIN: Objection.

24 THE DEPONENT: The ad.

01:59:45 25 MR. BENJAMIN: Objection to form.

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01:59:48 1 THE DEPONENT: Apologies. I didn't mean
2 to interrupt your question there.

3 The total value score is calculated the
4 one with the highest total value wins the auction
01:59:58 5 and that is the ad we show a user. An advertiser
6 pays for the performance of their ads and the

7 number of times an ad is shown.

8 Q. Got it.

9 So looking at the components of total

02:00:10 10 value there's the advertiser bid which we

11 discussed, right?

12 A. Yes.

13 Q. And then it says estimated action rate.

14 What is that?

02:00:20 15 A. The estimated action rate is the

16 likelihood of someone taking the action that

17 alliance with the advertisers objective.

18 Q. And this document describes that as -- as

19 the business objective, right?

02:00:38 20 A. Yes, that's the name of the ad objective.

21 Q. And that could be a click or a view or an

22 impression or something else, righted?

23 MR. BENJAMIN: Objection to form.

24 THE DEPONENT: Yes, it could be that the

02:00:53 25 advertiser is trying to -- has an ad with a call to

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02:00:58 1 action to go to a website to sign up to like a page

2 for brand awareness those are there objectives why

3 are they running this ad.

4 Q. And how does Facebook calculate the
02:01:13 5 estimated action rate?

6 A. The estimated action rate which is for
7 the person we are thinking about showing this ad to
8 is the likelihood that they will take that action
9 and that's based on their activity on Facebook.
02:01:28 10 These are the machine-learning models that -- that
11 are involved and they take into consideration
12 active on Facebook so the pages and ad someone has
13 interacted with. The way they have interacted with
14 those and then also activity off of Facebook such
02:01:45 15 as on websites and apps.

16 Q. And just to clarify testimony earlier.
17 For detailed targeting the underlying activity that
18 is the basis for determining interests and
19 behaviors are those the same set of inputs and let
02:02:26 20 me just I will ask a bad question and I ask good
21 one. I thought when we talked the first time the
22 interest were not based on off platform activity
23 they were limited to only pages and groups. But
24 that the behaviors incurred behaviors are based on
02:02:42 25 basically almost all of the activity on Facebook

02:02:44 1 with some exemptions and off platform?

2 MR. BENJAMIN: Objection to form.

3 Q. (By Ms. Weaver) Is that roughly
4 accurate?

02:02:57 5 A. You are correct that there are
6 distinction between interest and behaviors.
7 Interests are based on on-site page and add
8 interaction behaviors are a broader set of activity
9 on-site. Yeah, I think that clarifies kind of what
02:03:14 10 you were getting at.

11 Q. Okay. And the behavior is also offsite,
12 correct?

13 MR. BENJAMIN: Objection to form.

14 THE DEPONENT: No, I -- so behavior
02:03:31 15 targeting options are not offsite. Earlier when we
16 were discussing the behavioral targeting I was
17 referencing the broader personalization including
18 ad delivery.

19 Q. (By Ms. Weaver) Okay. Now for the
02:03:45 20 estimated action rate, what is the core set of
21 inputs and activities that help Facebook derive the
22 estimated action rate?

23 MR. BENJAMIN: Objection to form.

24 THE DEPONENT: Because -- it is on-site
02:04:03 25 behavior so again people's activity on Facebook and

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02:04:06 1 offsite based on our third -- our -- our business
2 tools and information that's shared back with us.

3 Q. (By Ms. Weaver) And then is an algorithm
4 performing an analysis to predict the next possible
02:04:23 5 action a user might make?

6 A. The estimated action rate is likelihood
7 that the user takes an action and it uses those --
8 the machine learning classifiers use that activity
9 as input.

02:04:37 10 Q. Okay. And for ad quality I know we
11 covered this, but for the record and clarity. Ad
12 quality what is the core set of data that Facebook
13 draws upon to determine ad quality?

14 MR. BENJAMIN: Objection to form.

02:04:55 15 THE DEPONENT: It's the content of the
16 ads so what an assessment for example, of click
17 bait and our understanding of -- of the content of
18 that ad as well as users feedback such as X outs
19 which is reporting.

02:05:12 20 Q. (By Ms. Weaver) And the higher the ad
21 quality, and the higher the estimated action rate,
22 the better the total value for the tiffing, right?

23 A. The higher the ad quality and the higher
24 the estimated action rate the higher the total
02:05:35 25 value score will be.

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02:05:37 1 Q. And then do higher total value scores
2 correlate with increased revenue to Facebook?

3 MR. BENJAMIN: Objection to form and
4 scope.

02:05:49 5 THE DEPONENT: I think to -- to make this
6 very clear the way we've built this total value
7 score, helps ensure there it's not just the highest
8 bidder that wins the action. Otherwise we would
9 just way whoever is highest bidding gets the spot
02:06:06 10 on the ad by including estimated action rate and ad
11 quality we are actually taking into consideration
12 people's preferences of what they would want to
13 see.

14 And the quality of that ad. And it
02:06:18 15 actually means that the high e bidder is not -- not
16 always going to be the winner. So better ads that
17 are more relevant are the ones that within and then
18 an advertiser pays for.

19 Q. (By Ms. Weaver) And when Facebook is

02:06:32 20 serving better ads Facebook is more successful
21 financially, right?

22 MR. BENJAMIN: Objection to form. Asked
23 and answered. Vague and outside of scope.

24 THE DEPONENT: When we serve better ads
02:06:47 25 people's experience is better and that a common

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02:06:51 1 goal of ours across the board.

2 Q. (By Ms. Weaver) Does Facebook's revenue
3 increase when they make -- serve better ads?

4 MR. BENJAMIN: Same objections.

02:07:04 5 THE DEPONENT: As compared to when we
6 serve bad ads.

7 Q. (By Ms. Weaver) Yes?

8 A. I don't think we can -- I don't know that
9 that is a comparison we make because we strive to
02:07:13 10 show good ads so I don't have a comparison point
11 there.

12 Q. Do advertisers put advertising on
13 Facebook if they feel their advertisements are not
14 effective?

02:07:23 15 MR. BENJAMIN: Objection to form. Calls
16 for speculation. Outside of scope.

17 THE DEPONENT: If advertiser does not
18 performance on a ad they use that how they hen
19 those a spend their -- across platforms.

02:07:43 20 Q. (By Ms. Weaver) Okay. So is it -- one
21 last question,.

22 The user activity just for the record,
23 that Facebook uses to analyze and create the
24 estimated action rate and the ad quality is not
02:08:02 25 limited only to public shared activity it includes

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02:08:07 1 private activity as well, correct?

2 MR. BENJAMIN: Objection to form. Asked
3 and answered.

4 THE DEPONENT: What I shared earlier is
02:08:18 5 relevant here as well. We don't have a die come
6 tee and private and public active it's not limited
7 in that manner because it's not the way our product
8 works.

9 Q. (By Ms. Weaver) Okay. Thank you.

02:08:28 10 (Exhibit 659 was marked for
11 identification by the court reporter and is
12 attached hereto.)

13 MS. WEAVER: We are going to mark tab

14 four Josh if you don't mind. We'll mark as
02:08:45 15 Exhibit 659 a document bearing Bates numbers
16 03526129 through -6133.

17 Q. (By Ms. Weaver) And while we are waiting
18 for it to load, what is a keyword?

19 A. I'm -- I'm not sure what we are
02:09:17 20 researching.

21 Q. Okay. Do you -- have you used the phrase
22 keywords in the context of advertising at Facebook?

23 MR. BENJAMIN: Objection to form.

24 THE DEPONENT: It is a type of targeting
02:09:36 25 we offer. It is how we describe what an advertiser

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02:09:39 1 inputs in a search to select the matching
2 interests, so as I described an advertiser
3 selects -- creates an ad selects -- selects their
4 desired audience and they could input something
02:09:54 5 like Nike and see the interest that match that in
6 order to select that interest that's effectively a
7 search keyword.

8 Q. (By Ms. Weaver) And does Facebook have
9 limitations on what keywords advertisers can use?

02:10:14 10 A. So again to be clear it's not providing

11 them keyword the keyword is what an advertiser
12 chooses to search. They can search against
13 whatever they want. But we had interest that we
14 provide and if their keyword matches we'll render
02:10:30 15 that interest.

16 Q. Okay. I am sorry. The question was does
17 Facebook limit what keywords advertisers can use?

18 A. Do you mean --

19 MR. BENJAMIN: Objection to form.

02:10:42 20 Argumentative. Asked and answered.

21 THE DEPONENT: Can you clarify what you
22 mean.

23 Q. (By Ms. Weaver) I'm not saying Facebook
24 is providing the keyword right?

02:10:49 25 A. I understand.

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02:10:50 1 Q. Advertisers are using a keyword does
2 Facebook say you can use these kinds of keywords?

3 A. Can you clarify what you mean by from the
4 advertiser perspective?

02:11:06 5 Q. You said a keyword can be used to search
6 against whatever the advertiser is looking for.

7 Right?

8 A. So an advertiser can input a word, a
9 keyword.

02:11:18 10 Q. Right.

11 A. We don't limit what they search for but
12 we limit what we will return to our interest and we
13 don't provide anything as an interest. So there is
14 a limitation on what an advertiser can use for
02:11:32 15 targeting. They could choose to search any number
16 of words but those won't all have a matching
17 interest that's actually used for targeting.

18 Q. Okay. I think I understand the
19 distinction you are making but I'm not sure.

02:11:48 20 Because it's one of two things.

21 Can an advertiser search for a word but
22 then it just won't be used in the advertisement; is
23 that what you are saying because I don't understand
24 the difference?

02:12:07 25 A. I'm saying -- the difference is we

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02:12:09 1 have -- the interest that we provide as part of the
2 selection of the target or the desired audience and
3 in order for an advertiser to find which interest
4 they want to use for targeting, they can input a

02:12:22 5 search term. If that search term has no matches
6 then there won't be anything that's a had as part
7 of the criteria for their targeting. If it has a
8 match they can then collect from not matches to say
9 I want -- if I type in shoes as an advertiser, and
02:12:41 10 there is an interest that matches that keyword
11 search, then we'll show them shoes and they can
12 select that interest in order to -- to define their
13 target audience.

14 Q. Right. If are there any limitations on
02:12:55 15 the search terms that will actually be employed by
16 Facebook other than it's not one of the interests?

17 MR. BENJAMIN: Objection.

18 THE DEPONENT: The only --

19 MR. BENJAMIN: Objection to form.

02:13:07 20 THE DEPONENT: -- the way we use those
21 search terms is to render an interest for the
22 advertiser to choose from. If it doesn't have a
23 match there's no other use for that keyword search
24 term. They have input it.

02:13:23 25 Q. (By Ms. Weaver) Does Facebook have any

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02:13:25 1 restriction on what search terms advertisers can

2 use as?

3 MR. BENJAMIN: Objection.

4 Q. (By Ms. Weaver) As a matter of policy

02:13:34 5 use objection to form. Asked and answered. Scope.

6 THE DEPONENT: There isn't a limit for

7 what an advertiser can type in to the search box.

8 It has to actually match -- in order to be used for

9 targeting they have to select an interest from

02:13:54 10 those search results.

11 Q. (By Ms. Weaver) But you are not aware

12 for example certain words blacklisted or I hear the

13 new phrase deny listed by Facebook for use in

14 keyword phrases?

02:14:12 15 MR. BENJAMIN: Objection to form.

16 THE DEPONENT: No.

17 Q. (By Ms. Weaver) Okay. We'll, let's take

18 a look at Exhibit 658. Oh, no. Sorry 659.

19 Apologies?

02:14:28 20 A. I have it up.

21 Q. And the first question is, have you seen

22 this document before?

23 A. Yes, I saw it as part of prep for this

24 deposition.

02:14:39 25 Q. Okay. In the second sentence well, let's

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02:14:42 1 start do you see the first -- the email on top
2 says, Hi John, as a technical matter, you can
3 target based on specific keywords in a status
4 update or group membership. However, our ad
02:14:55 5 guidelines prohibitive verse from "implying by
6 targeting a users's personal characteristics within
7 the following categories" and then it list race or
8 ethnic origin. Religion or physical belief age,
9 sexual orientation or sexual life, gender,
02:15:12 10 disability or medical continue, financial status or
11 information, membership in a trade union and
12 criminal record.

13 Do you see that?

14 A. Yes.

02:15:23 15 Q. So is it true that Facebook prohibits
16 advertisers from using the word keys relating to
17 the topics described there?

18 A. This policy --

19 MR. BENJAMIN: Objection.

02:15:39 20 THE DEPONENT: -- this policy prohibits
21 advertisers, this is one our content policies and
22 disallows advertiser from calling out any of these
23 attributes in the content of their ad.

24 Q. (By Ms. Weaver) And what -- why does
02:15:54 25 Facebook have that policy?

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02:15:59 1 A. This policy exists because we understand
2 that people don't want their attributes called out
3 in an ad.

4 Q. And how long has this been policy been in
02:16:09 5 effect?

6 A. Many years. This is like pre2008 policy.

7 Q. And among the attributes that users don't
8 want call out in an ad is age, and, again,
9 derivative identity, right?

02:16:28 10 A. Correct.

11 Q. Now when we talked about core audiences
12 you said that for core audiences Facebook targets
13 age and, again, derivative, right?

14 A. Yes.

02:16:38 15 Q. Why is there a distinction?

16 A. Again, this is about the ad content. An
17 ad content cannot call out people's specific
18 attributes.

19 Q. What does -- how does core audience
02:16:54 20 function?

21 A. It's not about content.

22 MR. BENJAMIN: Objection -- objection to
23 form.

24 THE DEPONENT: It's not about the content
02:17:00 25 of an ad.

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02:17:03 1 Q. (By Ms. Weaver) Meaning people are being
2 targeted by their age or gender, but the content of
3 the ad doesn't reveal it?

4 A. We -- we don't allow content of the ad to
02:17:13 5 call out these attributes. That is completely
6 separate from the audience selection by the
7 advertiser.

8 Q. So people can be targeted by their age or
9 gender, but Facebook doesn't want the ad itself to
02:17:31 10 reveal to the user, that they are being targeted by
11 their age or gender among other things; is that
12 right?

13 MR. BENJAMIN: Objection to form.
14 Argumentative. Mischaracterizes.

02:17:45 15 THE DEPONENT: We provide transparency
16 into the targeting options so a user has -- why I
17 am seeing this and they would be able to understand

18 the targeting options so that's not the rational
19 they still have that information there is content
02:18:02 20 policy.

21 Q. (By Ms. Weaver) When people receive an
22 ad, do they know in the moment that they receive
23 that they are being target because of their age or
24 gender especially if the ad hides that fact by not
02:18:18 25 referencing it?

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02:18:19 1 MR. BENJAMIN: Objection to form.

2 THE DEPONENT: I think that assumes that
3 all ads would reference it. But the -- the user
4 would see an ad, they know that ads are sponsored
02:18:30 5 content and involve targeting they also have the
6 tool to see those specific parameters.

7 Q. (By Ms. Weaver) Okay. Let me ask this,
8 why is it that Facebook concluded that people don't
9 want to see ads that on their face target by raise
02:18:51 10 ethnic religion or philosophical belief, age,
11 secret yawl orientation or sexual life, gender
12 identity, disability or medical continue, including
13 physical or mental health, financial status or
14 information, membership in a trade union and

02:19:06 15 criminal record?

16 MR. BENJAMIN: Objection to form and
17 scope.

18 THE DEPONENT: We understood that people
19 did not like those ads and we made a policy to not
02:19:17 20 allow that -- the content to call out people's
21 attributes.

22 Q. (By Ms. Weaver) How did Facebook decide
23 that people do not like the ads that focus on the
24 attributes that I just described?

02:19:31 25 MR. BENJAMIN: Objection to form. Scope.

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02:19:34 1 THE DEPONENT: In the content, this is in
2 my personal experience, because it -- not related
3 to ad targeting we understand from my -- the way I
4 have understood this policy, we measure X outs
02:19:51 5 et cetera and so we know which ads have an X out
6 and this is example of where that inform our
7 policies.

8 Q. (By Ms. Weaver) For the record what do
9 you mean by "out"?

02:20:01 10 A. Oh apologies, reports.

11 Q. I am sorry was that?

12 A. When -- when someone sees an ad they have
13 the ability to say, I don't want to see this ad.

14 Is one way that we understand ads that people do
02:20:15 15 and don't want to see as -- from my understanding
16 that's how we develop policies like this.

17 Q. And for this policy which you said was
18 developed in pre2008 what was the information that
19 Facebook relied on in determining that people don't
02:20:31 20 want to see ads that -- in their content target
21 them for these characteristics?

22 A. I'm not an expert in our ad content
23 policies and their early development that's outside
24 of ad targeting. The -- but in general, we use
02:20:51 25 feedback signals, X outs ask an example of that.

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02:20:56 1 Q. So in fact Facebook may target users
2 because of raise or ethnic origin, religion or
3 physical belief, age, sexual orientation or sexual
4 life, general integer identity, disability or
02:21:12 5 medical continue including or physical or mental
6 health, financial status or information, membership
7 in a trade union and criminal record.

8 But Facebook's policy is just not make it

9 apparent in the content of the ad; is that fair?

02:21:30 10 MR. BENJAMIN: Objection. Argumentative.

11 Misstates. Asked and answered. Outside the scope.

12 THE DEPONENT: No that's not accurate.

13 We don't provide targeting options based on this

14 data on many -- a lot of the data you read out.

02:21:47 15 And this is specifically a content policy, it is

16 distinct from the targeting operations we provide.

17 Q. (By Ms. Weaver) Facebook does target

18 people based on age and, again, derivative,

19 correct?

02:21:58 20 A. Correct the rest of the list, no.

21 Q. Does Facebook draw inferences about users

22 financial status or information to determine what

23 action they might next take?

24 A. No.

02:22:13 25 MR. BENJAMIN: Objection to form.

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02:22:14 1 Q. (By Ms. Weaver) Does Facebook use any of

2 the categories identified in Exhibit 659 in its

3 analyses about estimated actions?

4 A. These categories we don't have. All have

02:22:34 5 these categories that we do not collect raise or

6 ethnic origin. We don't collect disability or
7 medical continue, financial status, trade union
8 membership and criminal record.

9 And we don't create inferences about
02:22:49 10 these -- any of these to determine the attribute or
11 predict someone's attribute.

12 Q. Is it your testimony on behalf of
13 Facebook that it no point in time, did Facebook
14 infer ethnic origin or race about users?

02:23:06 15 A. Yes, we did inference people's
16 characteristic or their ethnic oration origin. And
17 maybe I should -- I was -- no, we did not. I was
18 saying yes to your question to clarify.

19 Q. Do you see a reference here to the
02:23:34 20 minimum cluster size in this document under
21 there's -- there's a box here that says redacted
22 privilege.

23 A. Yes, see the reference.

24 Q. What is "minimum cluster size"?

02:23:47 25 A. This is collar to what we discussed about

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02:23:49 1 the minimum audience sides we will allow for an ad
2 to run or we require.

3 Q. Sorry. What's the difference between
4 minimum cluster size and minimum audience size?

02:24:03 5 A. I understand those to be the same.

6 Q. Okay. So a little bit lower on that page
7 the last full paragraph do you see John patent
8 wrote to Rob Sherman so understand the idea that if
9 you provide info on Facebook even if it is

02:24:30 10 medically extensive it is ad targetable.

11 Do you see that?

12 A. I see it.

13 Q. And you disagree with that statement?

14 A. Yes.

02:24:43 15 Q. So what does Facebook do to prevent
16 information that is medically sensitive being used
17 to create inferences about users?

18 MR. BENJAMIN: Objection. Form.

19 THE DEPONENT: We don't collect medical
02:25:01 20 information and we also separately do not inference
21 someone's medical continue.

22 Q. (By Ms. Weaver) When you say you don't
23 collect it, what do you mean?

24 A. I mean that there isn't like a place
02:25:18 25 where someone says, similar -- as an example, to

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02:25:22 1 reference gender, we have part of profile is gender
2 or age and someone provides that. There is not a
3 similar medical continue field that people fill out
4 or provide.

02:25:36 5 Q. Right. But if there are conditions for
6 example, that, you know, as marketer or something
7 like that. Does -- does Facebook infer things
8 about users based on that information?

9 MR. BENJAMIN: Objection.

02:25:54 10 THE DEPONENT: We don't -- we don't have
11 that information.

12 Q. (By Ms. Weaver) What if I click on a
13 page for a medical provider, what does Facebook do
14 with that information?

02:26:04 15 MR. BENJAMIN: Objection --

16 THE DEPONENT: We --

17 MR. BENJAMIN: -- to form.

18 THE DEPONENT: We would know you clicked
19 on a page from a medical provider. We are not
02:26:10 20 making an inference about your medical continue.

21 Q. (By Ms. Weaver) And what does Facebook
22 do with the information that I clicked on a page
23 for a medical provider?

24 MR. BENJAMIN: Objection to form and

02:26:24 25 scope.

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02:26:27 1 THE DEPONENT: Within the context of ads,
2 as we have discussed page engagement can -- can
3 inform the future ads people see.

4 Q. (By Ms. Weaver) And what if my friend
02:26:45 5 posts something about a cancer survivor group and I
6 like it. Does that activity which would otherwise
7 be included in behaviors inform what behaviors I
8 might be included in?

9 MR. BENJAMIN: Objection to form.

02:27:16 10 THE DEPONENT: We don't have a behavior
11 targeting option that is about -- like cancer,
12 friends of cancer survivors that's not a targeting
13 option.

14 Q. (By Ms. Weaver) Does Facebook use that
02:27:34 15 information in determining my estimated actions?

16 A. We don't use the content of -- of your
17 friend's post. That's not something we use
18 currently.

19 Q. Did Facebook use the contents of my
02:27:58 20 friend's post at any point in time from 2007 to the
21 present?

22 A. No.

23 Q. So why did you say currently?

24 MR. BENJAMIN: Objection. Form.

02:28:10 25 Argumentative.

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02:28:13 1 THE DEPONENT: I was -- I was just

2 honestly repeating the tense of the question, it

3 wasn't meant to be an exclusion.

4 Q. Do you understand how the algorithms work

02:28:30 5 and what inputs they use to create estimated

6 actions?

7 MR. BENJAMIN: Objection to form.

8 Compound. Vague.

9 THE DEPONENT: I understand the machine

02:28:45 10 learning that -- that -- that is how we generate

11 the estimated action rate and the inputs that they

12 use.

13 Q. (By Ms. Weaver) And what are the inputs

14 for the machine learning that you just mentioned?

02:28:58 15 A. On-site activity, and offsite activity

16 through our business tools.

17 Q. And specifically what on-site activity?

18 MR. BENJAMIN: Objection to form. Asked

19 and answered.

02:29:11 20 THE DEPONENT: The ad engagement, page
21 engagement, people's activity, the info they
22 provide to us, those are all parts of that
23 estimated action rate.

24 Q. (By Ms. Weaver) Does it consider what
02:29:22 25 actions I take with regard to content my friend's

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02:29:25 1 post?

2 A. No.

3 Q. Does it consider the contents of what I
4 post?

02:29:51 5 A. No.

6 Q. Okay. I'm going to return to a topic we
7 began a while ago on page three of Exhibit 656.

8 We were discussing Facebook's policies
9 restricting advertiser use of advertising related

02:30:27 10 data, i.e. limiting it to its use case.

11 Do you recall that?

12 A. I am sorry on 656.

13 Q. I am sorry. Let me make sure I have the
14 right, 657. I am sorry that's my fault?

02:30:43 15 A. Yes, I have it up.

16 Q. So do you recall the bullet point on
17 page 3 that we began discussing but did not
18 complete?

19 A. Yes. Sorry I am trying to find the exact
02:30:54 20 wording on here.

21 Q. No problem.

22 A. Yes.

23 Q. So what does -- what are Facebook's
24 policies restricting advertisers use of advertising
02:31:14 25 related data?

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02:31:18 1 A. There a few relevant policies as an
2 example, our customer list policies limits the way
3 people can use that information. Our business
4 tools do as well. And we also require -- do not
02:31:33 5 allow advertisers to use information that they
6 under from the ad for purposes other than
7 understanding the performance of their ad.

8 Q. What policies in particular are you
9 referring to?

02:31:50 10 MR. BENJAMIN: Objection.

11 THE DEPONENT: I don't. I can look up
12 the exact like policy number -- do you know like in

13 those terms which number.

14 Q. (By Ms. Weaver) Just descriptively, what
02:32:02 15 policies are you referring to?

16 A. All of those terms have policies that
17 restrict how an advertiser and the requirements for
18 that data and disallow an advertiser from taking
19 specific actions with it. So as an example our
02:32:21 20 policy our ad guidelines ad policies disallow
21 advertiser from using ad targeting to harass or
22 provoke people it also disallows advertisers from
23 taking information to -- for purposes of other than
24 understanding the performance of their ad.

02:32:40 25 Q. Okay. What we are talking about here,

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02:32:44 1 are the advertising using advertising related data
2 beyond a use case, right?

3 A. Yes.

4 Q. What is a use case?

02:32:54 5 A. To place the ad --

6 Q. You are saying --

7 A. -- in this context.

8 Q. For advertisers, the use case should be
9 limited solely to placing an ad; is that right?

02:33:06 10 A. Placing the ad and the -- the performance
11 of that ad.

12 Q. And what does advertising related data
13 mean in this context?

14 A. Related to ad targeting and ad delivery
02:33:26 15 it means the way an advertiser sets up their --
16 their ad and the performance of that ad.

17 Q. Does that exclude information about who
18 receives the ad and the -- the engagement or action
19 rate?

02:33:52 20 MR. BENJAMIN: Objection to form.

21 THE DEPONENT: Let me know if this
22 answers your question. We -- we -- we don't
23 provide advertiser with -- who has seen similar ad
24 an individual user level that's not something we

02:34:04 25 give them.

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02:34:05 1 They understand -- they are provided
2 performance metrics that are aggregated and those
3 are for the purpose of understanding the
4 performance of that ad, that's the use case.

02:34:17 5 Q. (By Ms. Weaver) So at some point in
6 time, when the audience, minimum audience No. was

7 20, an advertiser could identify 20 people from its
8 customer list, run an ad and then Facebook would
9 provide aggregated mean aggregated for those 20
02:34:36 10 people how many people took action for example; is
11 that right?

12 MR. BENJAMIN: Objection to form. Calls
13 for speculation.

14 THE DEPONENT: An advertiser could create
02:34:49 15 a custom customer list it would have to have at
16 least 20 matches in order for it to be used in an
17 ad. They could then run that ad and we would show
18 the reporting metrics related to that ad. Again in
19 an aggregated form.

02:35:05 20 Q. (By Ms. Weaver) And what are the
21 reporting metrics that Facebook would provide for
22 that ad?

23 A. These were the metrics categories that --
24 that I covered earlier of impressions, so number of
02:35:17 25 impressions, number of clicks, ad spend, ad score.

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02:35:24 1 Q. And for these 20 people, how many
2 categories of interests could an advertiser seek?

3 MR. BENJAMIN: Objection to form.

4 Misstates.

02:35:40 5 THE DEPONENT: Can you clarify what you
6 mean by an advertiser could seek interests.

7 Q. (By Ms. Weaver) Sure.

8 So I'm -- here's my audience of 20, and I
9 want to identify the following ten categories of
02:35:52 10 interests.

11 Is there a cap on the number of interests
12 or behaviors that an advertiser could identify to
13 target the 20 people?

14 A. An advertiser can use a customer list and
02:36:09 15 they use additional targeting options with that
16 list. But an ad cannot ad audience cannot be
17 narrowed be -- below the threshold in order for us
18 to deliver it.

19 Q. I'm not talking about the audience now
02:36:24 20 I'm talking about the characteristics that are
21 being focused on, right the interests or the
22 behaviors. Was there a cap on the behaviors that
23 could be used to target the audience?

24 A. There is not a cap in the number of
02:36:40 25 behaviors someone can choose. But if choosing

02:36:42 1 those behaviors drops the audience below a certain
2 level, we will not deliver that ad.

3 Q. And what is the level below which it may
4 not -- not drop?

02:37:01 5 A. It is 100 people.

6 Q. And why is the limit 100 people?

7 A. We have done assessments of -- of across
8 our system to ensure that people aren't able to
9 re-identify that was one of the -- that was a
02:37:17 10 threshold that we felt comfortable with as a
11 prevention.

12 Q. When was the 100 people threshold
13 established?

14 A. I believe it was 2018 and before that
02:37:30 15 there was a threshold, it was lower but there's
16 always been a threshold.

17 Q. What was the lowest threshold that that
18 has existed?

19 MR. BENJAMIN: Objection to form.

02:37:46 20 THE DEPONENT: 20 I believe.

21 Q. (By Ms. Weaver) And when -- for what
22 years was the 20 threshold operative?

23 A. I believe up until between 2016 and 2018
24 I'm not sure if we went straight to 100 or -- or in
02:38:21 25 between.

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02:38:23 1 Q. And when the threshold was 20 could
2 advertisers use Geo location as a target?

3 A. Advertisers can use location targeting.
4 If the ad audience after any targeting selection
02:38:51 5 drops below the threshold of 100, it would then not
6 deliver. We don't deliver that ad.

7 Q. That's the current policy, correct?

8 A. Can -- yes.

9 Q. But if the threshold was 20 could an
02:39:11 10 identify advertiser use location targeting?

11 A. Yes, again, they can select location and
12 if it ever drops below 20 that ad would not
13 deliver.

14 Q. And when the threshold was 20, an
02:39:26 15 advertiser could use Geo location in combination
16 with an unlimited number of interests or behaviors
17 if they were within Facebook's roster of them,
18 correct?

19 MR. BENJAMIN: Objection to form.

02:39:41 20 THE DEPONENT: They can use any number to
21 set up their targeting audience. If it ever drops
22 below the threshold it will not deliver regardless

23 of how many options they have selected.

24 Q. (By Ms. Weaver) So to be clear, until
02:39:57 25 2016 or 2018 when the threshold was raised to 100,

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02:40:02 1 an advertiser could identify its audience of up to
2 20. It could identify Geo location and then it
3 could identify interest or behaviors and as many as
4 possible but not restriction. And then Facebook
02:40:20 5 would run and return -- would run the ad and return
6 metrics to the advertiser assuming they did not go
7 below the threshold, and provide information about
8 engagement, view, clicks, et cetera, right?

9 A. Can we clarify --

02:40:40 10 MR. BENJAMIN: Objection -- objection to
11 form.

12 THE DEPONENT: At the top there when --
13 when you were reading through or -- or top of your
14 question, identify -- I think the first part you
02:40:51 15 said identify 20, what did you mean there.

16 Q. (By Ms. Weaver) So let's assume the --
17 in this first scenario it's a user list.

18 A. So a custom audience.

19 Q. Yes.

02:41:03 20 A. Customer list I see. So an advertiser
21 could upload a customer list and they could use the
22 other targeting options to create their ad --
23 desired audience for their ad it did not drop below
24 the threshold we would deliver that ad and we would
02:41:19 25 provide performance metrics but those performance

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02:41:23 1 metrics do not include who saw the ad. Regardless
2 of how big the audience is or isn't. We don't
3 provide who saw the ad to an advertiser.

4 Q. And in addition to user list there were
02:41:38 5 two other kinds of audience, right?

6 A. Within --

7 MR. BENJAMIN: Objection. Form.

8 Q. (By Ms. Weaver) There's website app
9 custom audience and there's also engagement custom
02:41:51 10 audience, right?

11 A. There two other types of custom audience,
12 yes.

13 Q. The same would apply for those kind of
14 audience well, as the 20 cap, maybe 100 cap for
02:42:01 15 now. Unlimited interest in behaviors can be
16 targeting including Geo location, right?

17 A. Those don't have the same upload
18 functionality as a customer list. But they also
19 have an audience minimum and to be clear the
02:42:16 20 audience minimum is of the total targeting option
21 selected.

22 So it could be website custom audience
23 with a number of interests. Or with no interests
24 in either scenario, there is -- it has to be above
02:42:31 25 a minimum threshold in order to run the ad.

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02:42:35 1 Q. What's the minimum threshold?

2 A. 100.

3 Q. And it used to be 20?

4 A. Yes.

02:42:43 5 Q. Until 2016 or 2018?

6 A. Correct.

7 Q. You said they don't have the same upload
8 functionality. What do you mean?

9 A. I meant for customer list the advertiser
02:42:57 10 is uploading a list of their existing customers,
11 that's distinct from engagement custom audience or
12 a website custom audience, they don't -- they are
13 not based on a customer list that the advertiser

14 provides.

02:43:18 15 Q. Is a Facebook user ID a unique
16 identifier?

17 MR. BENJAMIN: Objection to form.

18 THE DEPONENT: Yes, every user has their
19 own unique UID.

02:43:35 20 Q. (By Ms. Weaver) And Facebook doesn't
21 provide Facebook user IDs in -- in this process of
22 targeting advertising through custom audiences,
23 right?

24 A. We do not provide UIDs to advertisers.

02:43:49 25 Q. Does Facebook take any steps to ensure

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02:43:51 1 that the advertiser who are identifying their
2 target audience do not process Facebook user IDs?

3 A. Let me know if gets at what your question
4 is asking. When an advertiser uploads a customer
02:44:07 5 list, we hash their information so we don't actual
6 knee know exactly what -- what the -- the
7 identifier we are not learning anything through
8 that upload. And after we match it to users, we
9 don't provide anything back to the advertiser about

02:44:24 10 those users, including and definitely not their

11 user ID.

12 Q. Facebook is aware that data broker

13 already have Facebook user IDs, right?

14 MR. BENJAMIN: Objection to form and

02:44:37 15 scope.

16 THE DEPONENT: I can't speak to that I'm

17 not aware.

18 Q. (By Ms. Weaver) So --

19 A. If my personally capacity I don't know.

02:44:45 20 Q. So the representation here is that

21 Facebook is not providing any personally

22 identifiable information through the targeted

23 advertising process, right?

24 MR. BENJAMIN: Objection to form. Vague.

02:44:58 25 THE DEPONENT: We don't provide

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02:44:59 1 advertisers information about the users who -- who

2 saw their ad and how to identify those users.

3 Q. (By Ms. Weaver) Okay. Well, let's go

4 back to Exhibit 658 and turn to page 5. I will

02:45:20 5 read into the record at Bates number -907 "we don't

6 share information with advertiser that personally

7 identifies individuals unless they given us

8 permission."

9 Do you see that?

02:45:34 10 A. Yes.

11 Q. And -- and that's a core promise that

12 Facebook has made to users from 2007 to the

13 present, right?

14 A. Correct.

02:45:42 15 Q. And what does it mean in your

16 understanding to personally identify an individual?

17 A. To tell an advertiser who saw their ad.

18 Q. So to you it just would be saying Leslie

19 weaver saw this ad and that would be compliant with

02:46:01 20 this policy?

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: I am sorry I don't follow

23 what you mean.

24 Q. (By Ms. Weaver) You are saying it to

02:46:13 25 tell an advertiser who saw their ad would be

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02:46:18 1 providing personally identifiable information,

2 right?

3 A. Yes, and we do not do that.

4 Q. And what do you mean when you say to tell

02:46:25 5 a user who saw an ad?

6 A. I am sorry --

7 Q. What do you mean to tell an advertiser
8 who saw their ad.

9 A. We don't tell them individual user level
02:46:38 10 information about who saw -- about the users who
11 saw their ad.

12 Q. But when the limit was 20 people you
13 would tell them that 20 people saw their ad and
14 they would have already targeted certain data
02:46:57 15 points like Geo location and other attributes,
16 correct?

17 MR. BENJAMIN: Objection to form.
18 Misstates.

19 THE DEPONENT: After they have created
02:47:07 20 their audience, they would know how many people saw
21 their ad. But that would have to be again, in
22 order to deliver that audience it has to be above
23 the threshold.

24 Q. (By Ms. Weaver) Which was 20 people for
02:47:22 25 most of the class period, right?

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02:47:25 1 MR. BENJAMIN: Objection to form.

2 THE DEPONENT: Through the years, yes
3 until 2016 or 2018.

4 Q. (By Ms. Weaver) So a separate question,
02:47:35 5 I was asking is -- is Facebook aware that in fact
6 many third parties have data that associates user
7 Facebook's IDs with individuals?

8 MR. BENJAMIN: Objection to form and
9 scope.

02:47:56 10 THE DEPONENT: I don't know about whether
11 third parties have UUIDs.

12 Q. (By Ms. Weaver) Is that a concern of the
13 Facebook's targeted advertising policy team?

14 MR. BENJAMIN: Objection to form and
02:48:09 15 scope.

16 THE DEPONENT: We don't provide UUIDs
17 through our ad system and do -- we do -- we don't
18 provide it purposefully, so that it's not available
19 to an advertiser, that's what this statement
02:48:25 20 indicates.

21 So it would -- yes, but it's not
22 something we do and we purposely don't do it.

23 Q. (By Ms. Weaver) And why is that?

24 A. If we provided a UUID they would be able
02:48:42 25 to tie that back to an individual and we

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02:48:44 1 specifically state that we don't give information
2 to advertisers about who saw the ad specifically
3 about the individual who saw the ad.

4 Q. What steps did Facebook take to ensure
02:49:01 5 that third parties who are were conducting
6 targeting advertising in groups of 20 did not
7 possess Facebook user ID or a which to re-identify
8 users?

9 MR. BENJAMIN: Objection to form.

02:49:22 10 THE DEPONENT: I think we have to
11 differentiate -- and I -- I might be missing the
12 link here. The possessing UID within our ad system
13 we don't provide UIDs an advertisers has to a meet
14 a minimum threshold in order to run the ad and the
02:49:39 15 metrics we provide performance metrics are
16 aggregated. So we don't tell them information
17 about who saw the ad specifically and so there
18 wouldn't be something to relate back to a UID
19 whether they possess or not and they wouldn't gain
02:49:54 20 access to the UID through our ad delivery.

21 Q. (By Ms. Weaver) I understand you are
22 saying that Facebook did not directly provide
23 Facebook users IDs.

24 Wasn't Facebook aware that during the
02:50:06 25 close period at multiple points, third parties who
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02:50:10 1 advertised on Facebook, had obtained Facebook's
2 user IDs?

3 MR. BENJAMIN: Objection to form. Asked
4 and answered. Foundation.

02:50:21 5 THE DEPONENT: I'm just not sure what --
6 one, I don't know the scenarios we are talking
7 about. They are outside of the ads -- my expertise
8 on ads.

9 And I'm not certain the significance of
02:50:38 10 how the UID plays into what we provide from ads
11 where it is -- has to a meet a minimum threshold
12 and we only provide aggregated performance metrics.

13 Q. (By Ms. Weaver) So you sit here today
14 you are not aware that anybody outside of
02:50:59 15 Facebook's scraped or obtain Facebook user IDs; is
16 that true?

17 MR. BENJAMIN: Objection to form.

18 THE DEPONENT: I'm not an expert on all
19 of the scraping or nonscraping that's occurred at
02:51:14 20 Facebook that's.

21 Q. (By Ms. Weaver) I didn't ask that
22 whether you were an expert.

23 I asked whether you were aware under oath
24 as you sit here today, that third parties have

02:51:24 25 scraped Facebook user IDs off the platform and

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02:51:30 1 policy issues possess them?

2 MR. BENJAMIN: Objection to form and
3 scope.

4 THE DEPONENT: I could not identify from
02:51:39 5 my personal capacity examples of what you are
6 talking -- talking about in any form that I would
7 speak to or -- or I am aware of.

8 Q. (By Ms. Weaver) As you sit here today
9 you are saying you are unaware that users scraped
02:51:54 10 Facebook user IDs off the platform. You are under
11 oath?

12 MR. BENJAMIN: Objection to form
13 argumentative. Asked and answered. Beyond the
14 scope.

02:52:07 15 THE DEPONENT: I'm truly -- I'm not able
16 to speak to and I don't know scenarios of user ID
17 scraping.

18 Q. (By Ms. Weaver) And you are part of the
19 privacy policy team for advertising, right?

02:52:22 20 A. Yes.

21 Q. How many people are on that team?

22 A. For advertising specifically?

23 Q. Yes.

24 A. There -- I believe there are currently

02:52:37 25 ten of us.

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02:52:40 1 Q. And who the lead on that team?

2 A. Andrew Howard.

3 Q. And to whom do you report?

4 A. Andrew Howard.

02:52:51 5 Q. And you are not aware of any instances of
6 third parties obtaining Facebook's user IDs; is
7 that right?

8 MR. BENJAMIN: Objection to form. Asked
9 and answered and to scope.

02:53:06 10 THE DEPONENT: I -- I do not cover
11 scrapping. It is -- and I don't know of instances
12 that I could speak to here or in really any
13 capacity about whether this -- whether there has
14 been scraping of UID.

02:53:20 15 Q. (By Ms. Weaver) Is there anyone on the
16 policy team for advertising who is in charge of
17 ensuring that advertising is not permitted by users
18 who are in the possession of Facebook's user IDs?

19 A. Again I'm -- I'm missing the connection
02:53:40 20 here between the possession of UIDs and whether
21 someone tiff advertises.

22 Q. Okay. Let's say Amazon has enough data
23 and information to be able to engineer or comes
24 into the possession of Facebook users IDs. And
02:54:00 25 Amazon runs campaigns, millions of themselves with

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02:54:04 1 the -- with the bear minor 20 or 100 people to
2 learn information about users.

3 Does Facebook have any enforcement
4 mechanism to preventive versions who Facebook knows
02:54:17 5 or has reason to believe has Facebook user IDs from
6 running that kind of campaign?

7 MR. BENJAMIN: Yeah. Objection to form
8 and scope.

9 THE DEPONENT: Our protections are that
02:54:36 10 we don't provide information to the advertiser when
11 they -- on the performance of their ad or who has

12 seen their ad for it to be identified able back to
13 a user ID.

14 Q. (By Ms. Weaver) Is that the only
02:54:49 15 protection that Facebook itself does not provide
16 it?

17 A. In addition to the protections of our
18 audience minimum sizes and our policies in term
19 that disallow different use.

02:55:09 20 Q. Yes. The many protection that Facebook
21 engages in to ensure that third parties who are
22 conducting targeted advertising with the minimum
23 threshold for which much of the period was 20
24 people, was that Facebook itself did not provide
02:55:24 25 the Facebook user ID to the advertiser, correct?

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02:55:29 1 A. No.

2 MR. BENJAMIN: Objection -- yeah
3 objection to form. Misstates.

4 THE DEPONENT: No our audience minimums
02:55:36 5 are a form of protection our aggregated metric are
6 a form of protection.

7 Our policies and our -- and the terms
8 that advertisers have to agree with are a form of

9 protection and, again, this is not where I'm an
02:55:50 10 expert in, but the efforts we go also on the
11 scraping front and protection there, are additional
12 areas that we ensure this doesn't happen.

13 Q. (By Ms. Weaver) So the efforts to
14 prevent future scrapping doesn't address paths
02:56:06 15 scrapping, correct?

16 MR. BENJAMIN: Objection to form and
17 scope. CHECK/CHECK.

18 THE DEPONENT: If someone has a UID
19 our -- our preventing future scrapping does not
02:56:21 20 remove that UID from them.

21 Q. (By Ms. Weaver) And when you talk about
22 the terms you mean that the third parties promise
23 that they will not -- well I don't know what you
24 mean. In terms of the terms what do you mean in
02:56:32 25 terms of the providing protection to users whose

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02:56:36 1 Facebook IDs have been taken by advertiser who
2 Facebook then allows to advertisers on their
3 platform in group as small as 20 for the majority
4 of the class period?

02:56:50 5 MR. BENJAMIN: Objection to form.

6 THE DEPONENT: I think I have to clarify
7 a question here. Is there an assumption that the
8 UID is specifically being used for the audience?

9 Q. (By Ms. Weaver) I -- I don't think
02:57:04 10 there's an assumption there.

11 A. Again we have the audience size minimum
12 and we only -- only age gender metaethics this help
13 ensure that we do not provide identifiable
14 information about whose see an ad to the advertiser
02:57:29 15 regardless of any other information they have.

16 Q. You referenced terms as also another
17 mechanism to prevent re-identification of users,
18 correct?

19 A. Yes.

02:57:42 20 Q. What terms are you referring to?

21 A. Our customer list policies and our
22 advertising terms or advertising guidelines.

23 Q. Are the -- those enforcement mechanisms
24 or are they just agreements?

02:58:04 25 A. Those are agreements those set -- those

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02:58:06 1 are the policies for -- for running ads on our
2 platform.

3 Q. Are you aware as a member of the
4 advertising policy team of ten people of Facebook
02:58:16 5 telling advertisers that they may not tiff on
6 Facebook because they have violated the terms that
7 you are referring to because they possess Facebook
8 user IDs?

9 MR. BENJAMIN: Objection to form.

02:58:35 10 THE DEPONENT: I'm not aware of an
11 advertiser breaking the policy here. And -- and.
12 Q. (By Ms. Weaver) Are you aware of any --
13 any enforcement actions taken by Facebook to
14 determine if that had happened?

02:58:56 15 MR. BENJAMIN: Objection. Asked and
16 answered.

17 THE DEPONENT: I'm not aware of -- of us
18 being -- of there being a case where this -- like
19 where an advertiser did this that we enforced on or
02:59:12 20 that we had to enforce on. I had -- I'm not aware
21 of cases where there's been a violation.

22 Q. (By Ms. Weaver) What steps has Facebook
23 taken to prevent re-identification of users
24 targeted in advertising?

02:59:35 25 MR. BENJAMIN: Objection to form. Asked

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02:59:36 1 and answered.

2 THE DEPONENT: We require an audience
3 minimum. We only provide aggregated metrics to
4 identifiers and we don't tell them who specifically

02:59:48 5 saw their ad.

6 Q. (By Ms. Weaver) And is that the entirety
7 of the steps that Facebook has taken to prevent
8 re-identification of users targeted in Facebook's
9 advertising?

02:59:59 10 A. Those are the foundation of how our
11 system is built to prevent exactly that.

12 Q. Are there any other steps that Facebook
13 has taken to prevent re-identification of users
14 targeted in Facebook's advertising?

03:00:16 15 A. We have built our system specifically to
16 prevent it. I'm not aware of other steps we have
17 had to take.

18 Q. Okay. Thank you.

19 MS. WEAVER: How long have we been going?

03:00:35 20 THE VIDEOGRAPHER: Okay. Let me --

21 MS. WEAVER: Let's go off the record.

22 THE VIDEOGRAPHER: Okay. Thanks. We are
23 off the record it's 3:00 o'clock p.m.

24 (Recess taken.)

03:16:44 25 THE VIDEOGRAPHER: Okay. We are back on

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03:16:45 1 the record it's 3:16 p.m.

2 Q. (By Ms. Weaver) Ms. Leone I would like
3 to direct your attention to what is being mark
4 right now as exhibit?

03:17:15 5 THE COURT REPORTER: 660.

6 MS. WEAVER: 660.

7 (Exhibit 660 was marked for
8 identification by the court reporter and is
9 attached hereto.)

03:17:26 10 MS. WEAVER: For the record Bates

11 No. FB-CA-MDL-03969858 through -862.

12 THE DEPONENT: I ever it up.

13 Q. (By Ms. Weaver) Great. And what is
14 Exhibit 670 [sic]?

03:17:50 15 MR. BENJAMIN: 660.

16 MS. WEAVER: Sorry.

17 THE DEPONENT: Exhibit 660 is a help
18 center earlier published that we put in our help
19 center for advertisers called used detail

03:18:06 20 targeting.

21 Q. (By Ms. Weaver) And it's true an

22 accurate, right?

23 A. I'm going to read through it. One

24 second.

03:18:16 25 Q. Okay.

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03:18:40 1 A. Yes, I read through it and yes it's

2 accurate.

3 Q. Okay. And this document is a current

4 document; is that right as of June 7th, 2022?

03:18:58 5 A. Sorry do you mean that this is currently

6 in our help center.

7 Q. Yes.

8 A. I believe so, yes. Yes.

9 Q. Okay. And it says use detailed

03:19:10 10 targeting.

11 Do you see that?

12 A. Yes.

13 Q. And this is in the help center for

14 advertisers; is that right?

03:19:19 15 A. It's in what we call the business help

16 center, which is meant for active audience but it's

17 open to anyone -- anyone can navigate to this.

18 Q. So is this describing interest targeting

19 in the detailed targeting that we described at the
03:19:41 20 outset of the lit, I mean?

21 A. Yes.

22 Q. Sorry.

23 A. Yes, this is -- this is describing how to
24 use detailed targeting, which is the category
03:19:55 25 for -- for audiences to select their parameters,

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03:19:59 1 which includes interest.

2 Q. And so it says on the first page, that
3 you select your audience preferences by location,
4 age, gender and language and then by detailed
03:20:11 5 targeting, correct?

6 A. Yes.

7 Q. So are you required to identify age and,
8 again, derivative and language as a preliminary
9 threshold?

03:20:25 10 A. All of our ads have to have a setting for
11 those, but you can have broad setting so it's all
12 captures all ranges so as an example we need to
13 have an age range for that ad but that range range
14 would be the full range rank of people of Facebook
03:20:42 15 so 13 to 65 plus. Similar for gender. We have to

16 have a setting for it but it could just be all. So
17 it is -- it is something that is a toggle but
18 the -- it doesn't mean you have to have a specific
19 something -- something within those.

03:21:01 20 Q. And -- and then what about language.

21 Do you have to select a language?

22 A. No, similar it can be all.

23 Q. Is more expensive if it's all?

24 A. No, that wouldn't be -- it's not going to

03:21:23 25 be a one to one if you switch out to be more

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03:21:27 1 expensive.

2 Q. Right.

3 A. I'm not sure what you mean, sorry.

4 Q. That's -- that's not a good question.

03:21:33 5 What I mean how many people speak all languages

6 this is your target audience right?

7 A. It -- it doesn't mean that someone has to

8 speak all languages. It means that any language

9 and perhaps the actual option is called any. It

03:21:46 10 means that the audience can be any language.

11 Q. I see. Okay. And does Facebook find

12 that targeting by language allows inferences of

13 ethnicity?

14 MR. BENJAMIN: Objection to form.

03:22:11 15 THE DEPONENT: No. Language is based on
16 the -- the -- the settings people have like how
17 they set up their Facebook and the language they
18 have chosen. That's not something that is -- it is
19 not a method of -- of targeting ethics tee.

03:22:34 20 Q. (By Ms. Weaver) Now has Facebook found
21 that people were in permissively tar get by gender
22 for ethics tee using its advertising platform?

23 MR. BENJAMIN: Objection to form. Vague.

24 THE DEPONENT: Sorry, can you walk
03:22:50 25 through what mean by imper missively.

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03:22:55 1 Q. (By Ms. Weaver) Illegally.

2 MR. BENJAMIN: Objection to form and
3 calls for a legal conclusion.

4 THE DEPONENT: Yeah, I can speak to
03:23:10 5 something if was illegal. I can -- I can share if
6 there's an example that you have thinking of how
7 those were misused.

8 Q. (By Ms. Weaver) As sit here today are
9 you aware of any such examples?

03:23:23 10 MR. BENJAMIN: Objection to form.

11 THE DEPONENT: Specifically for -- for I

12 am sorry you mentioned did you say for gender.

13 Q. (By Ms. Weaver) Uh-huh.

14 A. No, not aware of a case where it was

03:23:40 15 misused. But it's worth noting that we don't

16 permit again integer targeting for specific types

17 of ads to help specifically to prevent misuse. We

18 limit that and advertiser who are running housing

19 employment and credit ads cannot use gender

03:23:57 20 targeting they must maintain at all they cannot

21 select specific genders that's to prevent for

22 misuse.

23 Q. And how long has been the days?

24 A. That's a policy we had in place since

03:24:08 25 2018.

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03:24:09 1 Q. And was that a result of litigation?

2 MR. BENJAMIN: Objection to form and to

3 the extent you can answer without disclosing

4 privileged information or communications you can do

03:24:24 5 so.

6 THE DEPONENT: I -- I need a quick break?

7 MS. WEAVER: Okay.

8 THE DEPONENT: To discuss with Matt on AC
9 privacy expectations.

03:24:37 10 THE VIDEOGRAPHER: Okay go off the record
11 everybody.

12 MS. WEAVER: Yeah, that's fine.

13 MR. BENJAMIN: That's fine individual
14 okay we are off the record it's 3:24 p.m.

03:24:51 15 (Recess taken.)

16 THE VIDEOGRAPHER: We are back on the
17 record it's 3:34 p.m.

18 Q. (By Ms. Weaver) There was a question
19 pending when you we took to break to consult with

03:34:28 20 your counsel.

21 Can you answer the question now?

22 A. Do you mind repeating it.

23 Q. Sure.

24 I think the question was was that a

03:34:35 25 result of litigation?

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03:34:38 1 A. We were discussing the -- the midst for
2 age ore gender targeting or housing employment and
3 credit ads. We always -- have -- have a

4 longstanding policy that disallows discrimination
03:34:52 5 including through our targeting tools in 2019 I
6 should correct my previous answer. We launched
7 specifically the targeting limitations for those
8 ads and what we call -- the special ad categories.
9 For -- as part of a settlement with litigation.

03:35:11 10 Q. And the settlement with whom?

11 A. It -- I actually don't know all the
12 parties involved in that litigation. So I might
13 need to -- to refresh on that.

14 Q. And prior to that litigation and
03:35:27 15 settlement, Facebook did not have a policy that
16 disallowed discrimination through the use of
17 targeting tools?

18 A. No, sorry. To clarify we -- that's what
19 I was saying we had a longstanding policy on --
03:35:42 20 that disallows discrimination. In 2019 as part of
21 our settlement with this litigation, we built the
22 special ad category that disallowed gender
23 selection among or housing employment and credit ad
24 reporting and that was from conversations concerned
03:35:59 25 about the potential for misuse of those.

03:36:02 1 Q. And does that same tool also prevent
2 targeting based on race, sexual orientation,
3 disability and religion?

4 A. We don't provide those targeting options
03:36:16 5 at all to any advertiser.

6 Q. But was it a probably nonetheless that
7 Facebook's targeted advertising involved
8 discrimination against people in those categories?

9 MR. BENJAMIN: Objection.

03:36:31 10 Q. (By Ms. Weaver) At any point during the
11 class period?

12 MR. BENJAMIN: I am sorry I thought your
13 question was over.

14 Objection to form. Misstates?

03:36:40 15 THE DEPONENT: We don't offer those
16 targeting gassed on those. And so it -- it wasn't
17 relevant to the -- the -- how we built our special
18 ad category, which -- which restricted targeting
19 that we do offer.

03:36:56 20 Q. (By Ms. Weaver) So is it your testimony
21 that at no point did Facebook's advertising give
22 third party advertiser the ability to exclude
23 ethnic and religion, minority immigrants LGBTQ and
24 other protect groups from seeing their ads

03:37:16 25 CHECK/CHECK?

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03:37:18 1 MR. BENJAMIN: Objection to form.

2 THE DEPONENT: We don't offer targeting
3 based on -- I am sorry race or ethnicity or
4 religious views and their -- therefore there wasn't
03:37:31 5 an able to exclude those.

6 Q. (By Ms. Weaver) Okay.

7 A. Based on that.

8 MS. WEAVER: Let's look at Exhibit 661.

9 (Exhibit 661 was marked for
03:37:39 10 identification by the court reporter and is
11 attached hereto.)

12 MS. WEAVER: And for the record it's an
13 announcement from the Washington state office of
14 the attorney general the title AG Ferguson leads to
03:37:51 15 Facebook nationwide changes to prohibit
16 discriminatory advertisements on its platform.

17 It is dated July 24th, 2018 and the first
18 paragraph "attorney Bob Ferguson announced that
19 Facebook signed a legally finding agreement with
03:38:10 20 this office to make significant changes to its
21 advertising platform by removing the ability of
22 third party advertisers to exclude ethnic and

23 religious Monday error tee immigrants, LGBTQ
24 individuals and other protected groups from seeing
03:38:26 25 their ads."

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03:38:26 1 Do you see that?

2 THE DEPONENT: I do.

3 MR. BENJAMIN: Sorry objection to form
4 counsel would provide that was document 72 hours
03:38:35 5 before the deposition.

6 MS. WEAVER: I don't believe so. It's in
7 the public domain.

8 MR. BENJAMIN: So your position it didn't
9 need to be identified 72 hours before.

03:38:43 10 MS. WEAVER: Yes.

11 Q. (By Ms. Weaver) Ms. Leone, do you see
12 that first paragraph?

13 A. I do.

14 Q. That I just read into the rope?

03:39:02 15 A. I do.

16 Q. Is it your testimony that that is untrue?

17 A. We did not provide the ability for
18 advertisers to include or include on the basis of
19 their ethnic religious, immigration status, so this

03:39:17 20 is -- this misrepresents the options that were
21 available.

22 Q. I don't think it's making any
23 representation about the options that are
24 available. What it is saying is that in fact
03:39:31 25 Facebook signed an agreement so that third party

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03:39:35 1 advertisers could not discriminate against those
2 parties, right that's true you are not disputing
3 that?

4 MR. BENJAMIN: Objection to form.
03:39:44 5 Argumentative miss mischaracterizes.

6 THE DEPONENT: We built a -- what is
7 called the special ad category with restricted
8 targeting options for housing employment and credit
9 ads. It wasn't that the previous options in any --
03:40:04 10 like were enabling specifically targeting or
11 exclusion on these protected characteristics.
12 Because as an example we don't have people's race
13 or ethics fee.

14 Q. (By Ms. Weaver) Is it your testimony
03:40:17 15 today that there was not an ethnic after finite tee
16 targeting option at Facebook ever?

17 A. We had ethics after finite tee clusters
18 those not based on race data or someone's race or
19 ethics tee.

03:40:32 20 Q. Okay. Is it your testimony that in fact
21 individuals in these protected categories were not
22 discriminated against through advertising and
23 Facebook's website?

24 MR. BENJAMIN: Objection to form. Calls
03:40:48 25 for a legal conclusion and scope.

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03:40:52 1 THE DEPONENT: We didn't identify misuse
2 here and we wouldn't necessarily be able to
3 identify a discriminator use as an example. You
4 could run one ad that specific targeting to women.
03:41:06 5 You would then run another ad for men and overall
6 your campaign may or may not be problematic.
7 Similar off of Facebook you could run an ad on
8 Google for a specific group and Facebook for
9 another.

03:41:20 10 It -- there wasn't a specific case
11 here -- a -- a specific misuse that was being dealt
12 with. It was a potential that he then we corrected
13 we built this special ad category functionality

14 for.

03:41:40 15 Q. (By Ms. Weaver) How long did Facebook
16 have targeted categories for ethnic affinities
17 African American US, Asian American US Hispanic US
18 all Hispanic US bilingual Hispanic US Spanish
19 bilingual and Hispanic US document CHECK/CHECK?

03:42:00 20 MR. BENJAMIN: Objection to form to form.
21 Compound and scope.

22 THE DEPONENT: Those were categories we
23 offered as targeting up until 2020.

24 Q. (By Ms. Weaver) And when did they
03:42:17 25 commence?

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03:42:21 1 MR. BENJAMIN: Same objection.

2 THE DEPONENT: I'm not sure of the exact
3 year but between 2012 and 2014.

4 Q. (By Ms. Weaver) And why did Facebook
03:42:42 5 discontinue it in 2020 of those categories?

6 A. We --

7 MR. BENJAMIN: Same objections.

8 THE DEPONENT: We consistently look at
9 the targeting we offer and whether it's being used,
03:42:52 10 whether it -- it is still relevant if there's

11 duplicative options and in 2020 we under went
12 several updates across all of our targeting and
13 those were deprecated as part of a simplification
14 effort.

03:43:19 15 Q. (By Ms. Weaver) Are you aware of whether
16 or not in 2018 Facebook agreed to take steps to
17 prevent third party advertisers from excluding
18 persons -- from receiving advertisements for
19 employment, housing, credit insurance and places of
03:43:33 20 public accommodation to the extent it effected the
21 citizens of Washington?

22 MR. BENJAMIN: Objection to form and
23 scope.

24 THE DEPONENT: I am sorry I missed the
03:43:45 25 beginning of the question. It was whether we took

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03:43:48 1 steps to prevent exclusion for these ads?

2 Q. (By Ms. Weaver) Whether Facebook agreed
3 in 2018 with the state of Washington to take
4 exception to prevent third party advertisers from
03:44:00 5 receiving advertisement for employment housing
6 credit insurance and places in public accommodation
7 to the extent it discriminated against people under

8 those protected categories who lived in the state
9 of Washington?

03:44:15 10 MR. BENJAMIN: Objection to form and
11 scope.

12 THE DEPONENT: I'm not -- I think I
13 misunderstanding the question because it has
14 exclusion and seeing an ad. But in -- in 2018, is
03:44:28 15 when we agreed to build the category -- the housing
16 employment and credit restrictions the flow for
17 those ads, that limits the targeting options that
18 they have.

19 Q. (By Ms. Weaver) So Facebook agreed to do
03:44:41 20 it in 2018 but it didn't happen until 2020; is that
21 right?

22 A. No.

23 MR. BENJAMIN: Objection.

24 Q. (By Ms. Weaver) Please clarify?

03:44:52 25 A. In 2020, we deprecated specifically among

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03:44:57 1 other -- other targeting options for all
2 advertisers the multi-culture after finite tee
3 options. Separately, we launched in 2019 the
4 special ad create flow which -- which was the

03:45:14 5 restricted flow for housing employment and credit
6 advertisers.

7 Q. What are?

8 A. Those are distip.

9 Q. What about in size?

03:45:24 10 A. Insurance.

11 Q. Was that --

12 A. Insurance is not include with -- with
13 the -- with the note if -- if it is housing
14 insurance or related mortgage insurance those are
03:45:38 15 included.

16 Q. Okay. Just for the record, in 2019 --
17 when Facebook launched the special ad create flow
18 to restrict the flow, you are saying it was only
19 for housing employment and credit advertisers; is

03:45:54 20 that correct?

21 A. Yes.

22 Q. What about insurance or places of public
23 accommodation?

24 MR. BENJAMIN: Objection to form.

03:46:06 25 Q. (By Ms. Weaver) Could I just finish the

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03:46:07 1 question?

2 MR. BENJAMIN: I and sorry I thought you
3 were done.

4 MS. WEAVER: That's fine.

03:46:11 5 Q. (By Ms. Weaver) So what about insurance
6 or places of public accommodation, did Facebook
7 restrict the flow for -- for advertisement relating
8 to that as well in 2019?

9 MR. BENJAMIN: Objection to form and
03:46:24 10 scope.

11 THE DEPONENT: No.

12 Q. (By Ms. Weaver) Did Facebook for the
13 flow that Facebook created did it only apply to the
14 citizens of Washington did it apply to all citizens
03:46:38 15 in the United States?

16 A. It applies to all ads bought by an
17 advertiser based in the US where -- and any ad
18 where the audience includes the US as well as now
19 we have launched it in Canada and Europe.

03:47:01 20 Q. And with regard to the ethnic after
21 finite tee group deprecation, can you identify
22 which ethnic affinity group deprecations you are
23 reappearing to, which groups?

24 MR. BENJAMIN: Objection to form.

03:47:17 25 THE DEPONENT: The -- the names of the

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03:47:19 1 targeting options?

2 Q. (By Ms. Weaver) Yes.

3 A. We deprecated African American US these
4 are multicultural affinity options that were

03:47:34 5 labeled and what -- that I'm listing. African
6 American, Hispanic bilingual Hispanic Spanish
7 Hispanic English an Asian American.

8 Q. Anything else.

9 A. No unless I'm missing one I believe they
03:48:01 10 were five. We deprecated all of multi-culture
11 affinities in 2022.

12 Q. Did Facebook perform an economic analysis
13 of the impact of deprecating those affinity groups
14 as targets?

03:48:15 15 MR. BENJAMIN: Objection to form and
16 scope.

17 THE DEPONENT: Similar to to earlier
18 there isn't a -- an economic or revenue analysis
19 associated with individual targeting options.

03:48:33 20 Q. (By Ms. Weaver) I understand that I'm
21 just saying it's a pretty big deprecation to
22 deprecate these kind of targeting group there no
23 certainly analysis at Facebook of how it might

24 effect revenue to deprecate those products; is that
03:48:47 25 what you are saying?

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03:48:49 1 MR. BENJAMIN: Objection to form and
2 scope.

3 THE DEPONENT: We don't measure --
4 measure by a -- by targeting option basis and so
03:48:57 5 it's -- it's not how we assess a targeting option
6 or revenue.

7 Q. (By Ms. Weaver) Okay. How about a cost
8 benefit analysis. Are you aware -- are you aware
9 of external analysis at Facebook whether it good
03:49:13 10 idea or not to deprecate multicultural affinity and
11 the Ime impact it might have on Facebook?

12 MR. BENJAMIN: Objection to form and
13 scope.

14 THE DEPONENT: In -- making -- in
03:49:25 15 assessing whether to -- to maintain or remove
16 those, we look at their use. We look rat an
17 understanding of who -- beneficial uses of those.
18 As an example and so that was definitely part of
19 the consideration. But it is not in the form of a
03:49:45 20 revenue number.

21 Q. (By Ms. Weaver) Okay. So there were
22 internal analyses that were considering whether or
23 not to deprecate the multi multicultural affinity
24 groups; is that right?

03:50:00 25 MR. BENJAMIN: Objection to form

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03:50:01 1 misstates and scope.

2 THE DEPONENT: It was an internal
3 conversation from the ads product team their policy
4 and legal counterparts on -- on those options the
03:50:13 5 same way that we would have discussed any other
6 option in fact the deprecation that they were part
7 of was a broader deprecation.

8 Q. (By Ms. Weaver) What was the broader
9 deprecation that they were part of?

03:50:25 10 A. We simplified our targeting options in
11 August 2020 it included removing duplicative
12 options. Options that were unclear that
13 advertisers didn't understand and this was part of
14 that effort.

03:50:40 15 Q. Who the ads product team was involved in
16 the internal discussions regarding whether or not
17 to deprecate the multicultural affinity groups?

18 A. Our ad targeting team was involved. Ads
19 leadership was involved.

03:50:56 20 Q. And who by name?

21 A. I'm -- sorry I'm trying to remember
22 specifically who was the ads lead at the time.
23 This would have been within ads product Dan Levy
24 was likely involved but I can't remember who else
03:51:45 25 on his team.

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03:51:47 1 Q. And did violate Facebook's policy for
2 multicultural affinity group targeting to
3 discriminate against people who were put in those
4 target groups with respect to advertising involving
03:52:05 5 housing and employment, for example?

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: So we disallowed
8 discriminatory use of our tools regardless of any
9 specific option that's -- that's not something we
03:52:24 10 permit.

11 In -- in 2018, we disallowed the use of
12 those multicultural affinity targets -- options
13 with housing employment and credit ads and in 2019
14 we created a specific flow so that they couldn't be

03:52:40 15 selected with those ads at all.

16 Q. (By Ms. Weaver) And I'm just trying to
17 say, so in Facebook's view, was that an abuse of
18 Facebook's advertising platform for advertisers to
19 engage in programs that discriminated against
03:52:57 20 person's in those policy enforcement protected
21 categories from receiving advertisement for
22 employment, housing and credit?

23 MR. BENJAMIN: Objection to form.

24 THE DEPONENT: Discriminatory uses
03:53:13 25 against our policies. The use of these segments

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03:53:15 1 was not discriminatory that wasn't our conclusion
2 or estimate. As part of efforts to prevent
3 misuse, we disallowed them being used with housing
4 an employment and credit ads and, again, to clarify
03:53:29 5 those segments are not representative or -- those
6 are not based on our representative of people's
7 race or ethnicity.

8 Q. (By Ms. Weaver) What are the data inputs
9 to determine multicultural affinity groups that was
03:53:45 10 the targeting categories that Facebook created?

11 A. Those are based on info people have

12 provided us as well as their activity on Facebook.

13 Q. And what specific activity caused

14 Facebook to put somebody in one of these

03:54:04 15 multicultural affinity groups?

16 A. People's engagement with pages

17 co-associate them with one of these.

18 Q. Can you give me a specific example of a

19 kind of engagement that would put a person in an

03:54:17 20 African American affinity group?

21 A. If you engage with a page -- a cultural

22 page related to African American culture and like

23 that page you follow this could be a group you

24 could be in this target option.

03:54:33 25 Q. What is a cultural page related to

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03:54:36 1 African American culture?

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: I don't know the exact

4 list of pages. But an example could be black lives

03:54:47 5 matter.

6 Q. (By Ms. Weaver) This was of course

7 before BLM, right?

8 MR. BENJAMIN: Objection to form.

9 Q. Can you give me an example of cultural
03:55:01 10 page related to African American culture that was
11 actually used to determine whether or not somebody
12 was in an African American affinity group?

13 A. I think --

14 MR. BENJAMIN: Objection to form and --
03:55:14 15 and scope.

16 THE DEPONENT: I don't have the list of
17 pages specifically that were used that wasn't an
18 illustrative example. I can think of another one
19 if that's useful. But it's meant to -- to indicate
03:55:30 20 the type of page and you -- there's similar ones
21 for Hispanic culture you could look cuisine pages
22 to Hispanic cuisine would have been used as well.

23 Q. What does Hispanic mean in this context
24 of Facebook's multicultural affinity group?

03:55:55 25 MR. BENJAMIN: Objection to form and

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03:55:55 1 scope.

2 THE DEPONENT: It's simply the -- the how
3 the naming of the page or -- of the common topics
4 that people were engaging with.

03:56:08 5 Q. (By Ms. Weaver) In Facebook's view what

6 is Hispanic mean when it created this multicultural
7 affinity group?

8 MR. BENJAMIN: Objection to form and
9 scope.

03:56:19 10 THE DEPONENT: I don't think that we have
11 a -- a Facebook definition of Hispanic. This was
12 meant to indicate that these are -- this targeting
13 option was meant to indicate that people have
14 engaged with Hispanic on Facebook so that would be
03:56:36 15 API cultural page there would be language in span
16 addition there are -- are a number of reasons and
17 ways that someone can be part of this based on the
18 info they provided and the activity on their
19 platform.

03:56:49 20 Q. (By Ms. Weaver) What does Hispanic
21 culture mean in Facebook's view?

22 MR. BENJAMIN: Objection. Asked and
23 answered and scope.

24 THE DEPONENT: Again we don't have define
03:57:04 25 Hispanic culture I don't think we have a specific

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03:57:06 1 definition for that.

2 Q. (By Ms. Weaver) You must have some

3 definition because based on specific kinds of
4 activity you decided that people were in and
03:57:17 5 Hispanic multicultural group so I guess I'm just
6 wondering what the parameters were that Facebook
7 used to decide that something was and Hispanic
8 activity?

9 MR. BENJAMIN: Objection to form and
03:57:30 10 scope.

11 THE DEPONENT: To -- we weren't defining
12 if somebody is a Hispanic activity. We were
13 looking at the -- the topics people engage with and
14 if those topics relate to Hispanic culture so that
03:57:46 15 could be things like speaking Spanish. It could be
16 like Hispanic cuisine it could be Spanish speaking
17 telenovelas. These are things that also the pages
18 themselves identify as part of this culture. And
19 the people who engage with them were then included
03:58:04 20 in this targeting option.

21 Q. (By Ms. Weaver) Does Facebook have a
22 list of the activities that it seemed sufficient to
23 trigger inclusion in each of these ethnic
24 multicultural affinity groups?

03:58:19 25 MR. BENJAMIN: Objection.

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03:58:19 1 THE DEPONENT: Facebook.

2 Q. (By Mr. Benjamin) Objection to form?

3 THE DEPONENT: One action is not going to
4 trigger anyone to be part of really any -- of the
03:58:31 5 interest or -- or multi-culture affinity options.

6 This is about repeated continuous engagement. So
7 if someone activity over time showed that they were
8 interested in these topics.

9 Q. (By Mr. Benjamin) Okay. You just
03:58:46 10 testified "we were looking at the topics people
11 engage with and if those topics relate to Hispanic
12 culture."

13 Do you recall that?

14 A. Yes.

03:58:56 15 Q. Does Facebook have a list of those topics
16 that Facebook teamed related to Hispanic culture
17 that were used then communication tally or
18 individually to determine that somebody was a
19 multicultural affinity group?

03:59:13 20 MR. BENJAMIN: Objection to form and
21 scope.

22 THE DEPONENT: This might just be the
23 wording here, but it is when pages are -- as an
24 example when pages are about specific topics, they

03:59:25 25 can -- those would relate to Hispanic culture and

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03:59:29 1 if people consistently engage they would then be
2 part of this segment.

3 Q. (By Ms. Weaver) I many adjust trying to
4 hundred a list of description of which pages and
03:59:43 5 topics Facebook decided were triggers to include
6 specific people and in multicultural affinity
7 groups?

8 MR. BENJAMIN: Objection to form and
9 scope.

04:00:02 10 THE DEPONENT: It's pages that relate to
11 this, so that could be based on a pages description
12 saying they are related to his Hispanic culture as
13 an example.

14 Q. (By Ms. Weaver) Okay. So does Facebook
04:00:14 15 have a list as an example, of just the pages that
16 Facebook deemed related to multicultural affinity
17 of the categories that were deprecated in 2020?

18 A. Those categories were deprecated in 2020
19 and I believe we don't maintain that once a
04:00:34 20 category is deprecated.

21 Q. Are you aware and you are not aware

22 whether or not there was a litigation hold or
23 requirement as a result of litigation that Facebook
24 Maine taken those categories?

04:00:52 25 MR. BENJAMIN: Objection. Sorry

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04:00:53 1 objection to form and scope and to the extent it
2 calls for legal analysis or conclusion.

3 Also caution Ms. Leone to carve out of
4 your answer, any privileged information or

04:01:05 5 communications.

6 THE DEPONENT: I'm not certain on -- if
7 it was under a legal hold or not and I'm also not
8 certain if we have it or not given that these were
9 deprecated.

04:01:17 10 Q. (By Ms. Weaver) So is it your
11 understanding that if Facebook determines a product
12 Facebook doesn't maintain any information relating
13 to that deprecated product?

14 MR. BENJAMIN: Objection to form.

04:01:29 15 Misstates and scope.

16 THE DEPONENT: No, that's not my
17 understanding. But when we deprecate a product we
18 are not maintaining or it is not continuously

19 associating and that's what I meant. It's not
04:01:46 20 continuously looking for pages that might be
21 related to that topic. It's shut down.

22 Q. (By Ms. Weaver) So your testimony was
23 "those categories were deprecated in 2020 and I
24 believe we don't maintain that once a category is
04:02:09 25 deprecated."

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04:02:11 1 Do you recall that?

2 A. Yes.

3 Q. And when you say "we don't maintain that"
4 what did you mean?

04:02:19 5 A. I mean what I was just describing. Which
6 is that we are not continuously associating
7 engagement into those categories and I don't know
8 to whichever degree under legal hold or otherwise
9 what we maintain historically.

04:02:40 10 Q. Now it's your testimony that Facebook has
11 not taken steps to prevent third party advertisers
12 from excluding people from receiving advertisements
13 for insurance or places of public accommodation; is
14 that right, based on these protected check the

04:03:02 15 Ethan Beard technical project disable group; is

16 that right?

17 MR. BENJAMIN: Objection to form.

18 Misstates and compound.

19 THE DEPONENT: Yeah, there are few parts.

04:03:12 20 We don't have targeting options related to

21 protected people's race or ethnicity as a part

22 starting point. That's not what multicultural

23 affinities were. House -- the -- any ad has to

24 abide by our nondiscrimination policy. And we

04:03:30 25 don't -- including an insurance ad regardless of

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04:03:38 1 the -- whether or not their AG their housing

2 employment or credit.

3 Q. (By Ms. Weaver) Okay. Why don't we take

4 a look at Exhibit 662.

04:03:52 5 (Exhibit 662 was marked for

6 identification by the court reporter and is

7 attached hereto.)

8 MR. BENJAMIN: And counsel was this is a

9 document that was provided to us.

04:04:12 10 MS. WEAVER: No it's public.

11 MR. BENJAMIN: 72 hours.

12 MR. BENJAMIN: Okay. And what paragraph

13 of the Special Master protocol are you relying on
14 for that exception.

04:04:20 15 MS. WEAVER: You have colloquy off the
16 record if you would like?

17 MR. BENJAMIN: Special Master however you
18 prefer happy to discuss outside the presence of the
19 witness.

04:04:30 20 SPECIAL MASTER GARRIE: I ask the witness
21 to -- yeah go to break out room we'll stay on the
22 record. What's issues counsel Ben.

23 MR. BENJAMIN: I just want to clarify
24 Special Master the Counsel Weaver's basis for not
04:04:57 25 having provided the documents under the spellings

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04:05:01 1 master protocol 72 hours in advance.

2 SPECIAL MASTER GARRIE: It's public
3 available document.

4 MS. WEAVER: Yes.

04:05:09 5 SPECIAL MASTER GARRIE: And I believe
6 that -- well Counsel Weaver would care to explain.

7 MS. WEAVER: Yeah, if we had provide
8 Facebook every public Facebook it would be reams we
9 have talked about the topic. Facebook itself

04:05:22 10 identified a ton of policies talking about how
11 people may or may not target people based on gender
12 or age. So you know from my perspective, we
13 outstanding perfectly entitled to discuss with
14 Facebook particularly given the assertions of this
04:05:41 15 don't in this deposition, that this kind of
16 targeting did not occur, these are also coming in
17 as impeachment.

18 So look, I can do two ways you can say
19 you don't have discussion these documents right
04:05:52 20 now. And then I will file a new notice because
21 it's relevant it's obviously data misuse. And
22 relevant to the case. And we can call the witness
23 back at another time and do this kind of
24 questioning. We were not trying to pull a fast
04:06:08 25 one. It didn't occur that we had to provide to

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04:06:11 1 Facebook, you know, Exhibit 662 is -- is a
2 assurance of discontinuance signed by Facebook so.
3 MR. BENJAMIN: And I all I really all
4 wanted to just to clarify the basis for using and
04:06:26 5 document as exhibit in the deposition.

6 MS. WEAVER: Okay.

7 MR. BENJAMIN: I am happy.

8 SPECIAL MASTER GARRIE: I think -- so

9 Counsel Benjamin from impeachment purposes and

04:06:35 10 there's your explanation.

11 MR. BENJAMIN: Yeah, I am not sure agree

12 with characterization Special Master I'm happy to.

13 SPECIAL MASTER GARRIE: I'm not -- I'm

14 not -- let's be clear my restatement isn't a

04:06:45 15 representation that I agree or disagree that is

16 represent representation -- that is what plaintiffs

17 stated.

18 MR. BENJAMIN: Understood and happy to

19 let questioning on the document proceed on that

04:06:56 20 basis. Thank you for clarifying.

21 SPECIAL MASTER GARRIE: Okay. So with

22 that said should we call the witness back.

23 MS. WEAVER: Yes.

24 MR. BENJAMIN: Yes.

04:07:08 25 MS. WEAVER: Yes.

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04:07:09 1 MR. BENJAMIN: I will grab her.

2 SPECIAL MASTER GARRIE: Thank you.

3 John did Counsel Benjamin say we were

4 taking a break or is getting the witness?

04:09:26 5 THE VIDEOGRAPHER: They were just going
6 to get the witness so we are still on the record.

7 SPECIAL MASTER GARRIE: Okay.

8 MS. WEAVER: Can we go off the record if
9 we are just sitting here in silence.

04:10:06 10 SPECIAL MASTER GARRIE: Well I didn't
11 think we would be sitting here in silence, so I
12 agree.

13 MS. WEAVER: Thank you.

14 SPECIAL MASTER GARRIE: Let's go off the
04:10:13 15 record.

16 THE VIDEOGRAPHER: Okay we are off the
17 record it's 4:10 p.m.

18 (Recess taken.)

19 THE VIDEOGRAPHER: Okay. We are back on
04:12:05 20 record it's 4:12 p.m.

21 Q. (By Ms. Weaver) Ms. Leone have you had a
22 moment to look at Exhibit 662?

23 A. I started to read through I happy's read
24 through but yes, I have.

04:12:19 25 Q. Take your time and while you are reading

04:12:20 1 through it?

2 MS. WEAVER: Just for the record, exhibit
3 says state of Washington king county superior in re
4 Facebook assurance of discontinuation it's dated

04:12:32 5 July 24th, 2018.

6 Q. (By Ms. Weaver) And I will direct your
7 attention to paragraph 3.2?

8 A. I'm there and I have read through most of
9 3.2.

04:13:19 10 Q. Okay. But let me ask first were aware of
11 this notice of discontinuance?

12 A. Yes.

13 Q. And -- and how did you become a we have
14 of it?

04:13:31 15 A. I was on -- I was part of the team on
16 ads -- on ads at the time.

17 Q. And so were you involved in taking steps
18 to prevent third party advertisers from excluding
19 persons that were the subject of a lawsuit from
04:13:52 20 discrimination or from receiving advertisement
21 based on protected characteristics?

22 MR. BENJAMIN: Objection to form and
23 scope.

24 THE DEPONENT: I was involved in updates
04:14:06 25 to our platform to be clear, this is -- that was

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04:14:09 1 distinct from -- that -- that -- these targeted
2 operations weren't discriminatory but I was
3 involved in updating our targeting options.

4 Q. (By Ms. Weaver) Okay. Look at paragraph
04:14:21 5 3.2 although Facebook denies these allegations
6 Facebook agrees to take the following steps
7 intended to prevent third party advertisers from
8 excluding person's from receiving advertisement for
9 employment, housing, credit, insurance, and/or
04:14:38 10 places of public accommodation based on the
11 protected characteristics to the extent they effect
12 citizens of Washington.

13 Do you see that?

14 A. Yes.

04:14:50 15 Q. And you testified that Facebook has taken
16 steps to preventives from excluding persons from
17 employment, housing and credit but not insurance or
18 places of public accommodation; is that true?

19 MR. BENJAMIN: Objection to form.

04:15:07 20 Misstates the testimony and scope.

21 THE DEPONENT: There -- two separate --
22 we launched the updates to housing employment and

23 credit ad reporting which restricted the targeting
24 they -- they could use when running an ad in 2018
04:15:23 25 we updated to remove the exclusion capability for
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04:15:27 1 all ads related -- related to the multicultural
2 affinity segments and other interests and across
3 the board prior to that our policy has always
4 been -- nondiscrimination policy has always been in
04:15:42 5 place.

6 Q. (By Ms. Weaver) So there was a policy
7 that said you could not discriminate but prior to
8 that time advertisers could exclude people based on
9 the protected characteristics identified in 662,
04:15:56 10 right?

11 A. No. Because our targeting options don't
12 represent those protected characteristic.

13 Q. Did Facebook have a targeting category
14 for wheelchair use users?

04:16:16 15 A. There was.

16 MR. BENJAMIN: Objection -- objection to
17 form.

18 THE DEPONENT: There was an interest
19 called wheelchair users it was not based on whether

04:16:24 20 or not someone uses a wheelchair.

21 Q. (By Ms. Weaver) Was there a targeting
22 characteristics for Chinese people?

23 MR. BENJAMIN: Objection to form.

24 THE DEPONENT: There might have been an
04:16:38 25 interest called Chinese people but, again, it was

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04:16:40 1 not based on whether or not someone has Chinese.

2 Q. (By Ms. Weaver) Was there a targeting
3 characteristics for Chinese literature and
4 disability rights?

04:16:55 5 MR. BENJAMIN: Same objection.

6 THE DEPONENT: Yes, both of those seem
7 like they would have been interest as well.

8 Q. (By Ms. Weaver) Do you recall any other
9 targeting characteristics that were addressed in
04:17:04 10 this lawsuit related to the multicultural affinity
11 groups?

12 MR. BENJAMIN: Objection to form and
13 scope.

14 THE DEPONENT: These aren't targeting
04:17:15 15 characteristics just to be clear these list
16 targeting options is that.

17 Q. (By Ms. Weaver) That's fine I will
18 restate the question.

19 A. There -- I can think of.

04:17:27 20 Q. Let --

21 A. Sorry.

22 Q. Let me ask the question.

23 Are you aware as you sit here today of
24 any other targeting options that related to the

04:17:34 25 multicultural affinity groups that were involved in

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04:17:37 1 the subject matter of this lawsuit?

2 A. So these are --

3 MR. BENJAMIN: Objection. Sorry Bella.

4 Objection to form and scope.

04:17:48 5 THE DEPONENT: These are distinct. These

6 are interests they were also removed from

7 exclusion. Multicultural affinity targeting

8 options are -- they their own set of options those

9 were also we moved from exclusion more than just

04:18:01 10 these two were removed from exclusion.

11 Q. (By Ms. Weaver) So can you identify any
12 others that were removed from exclusion?

13 MR. BENJAMIN: Objection to scope.

14 THE DEPONENT: I -- I don't know that I

04:18:19 15 can think of an example just off the cuff of an

16 interest we removed from exclusion at the time.

17 Q. (By Ms. Weaver) Can Facebook create a

18 list of the exclusions that were ceased as a result

19 of this litigation?

04:18:51 20 A. My understanding is that we could.

21 Q. And how would you do that?

22 A. I think we have maintained the one -- or

23 maintained the a list of what we updated because

24 some of these may still be available for inclusion

04:19:09 25 and so we would -- we would know which ones those

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04:19:12 1 are.

2 Q. Other than this instance, are you aware

3 of other deprecated targeting options that have

4 occurred from 2007 to the present and let's exclude

04:19:30 5 partner categories as well for now.

6 A. Yes, we -- we have iterates what the

7 targeting options numerous times over the years,

8 but adding and removing targeting options.

9 Q. On how many occasions?

04:19:49 10 MR. BENJAMIN: Objection to form. Vague.

11 THE DEPONENT: Our review and update is
12 pretty continuous. I don't think that there's like
13 a -- a finite number of occasions where that's
14 happened.

04:20:00 15 Q. (By Ms. Weaver) On how many occasions
16 has Facebook deprecated targeting options as a
17 result of litigation or regulatory investigation?

18 MR. BENJAMIN: Objection to form.

19 And I would caution the witness not to
04:20:19 20 disclose privileged information in her response.

21 THE DEPONENT: I -- I don't think I can
22 share an exact number.

23 Q. (By Ms. Weaver) Is it more than 20?

24 A. Occasions?

04:20:34 25 Q. Yes?

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04:20:35 1 MR. BENJAMIN: Same objections and
2 caution.

3 THE DEPONENT: I don't think I can share
4 a response.

04:20:41 5 Q. (By Ms. Weaver) When you say you don't
6 think you can share, is that because you don't know
7 or because you think it's privileged?

8 A. More the latter.

9 MS. WEAVER: I just need some clarity
04:20:52 10 here counsel. Are you asserting a privilege over
11 the number of times that Facebook has deprecated
12 targeting options following litigation?

13 MR. BENJAMIN: May I ask the witness
14 would helpful to confer about privilege.

04:21:09 15 MS. WEAVER: That's fine.

16 THE DEPONENT: That sounds good. Sorry
17 thank you.

18 SPECIAL MASTER GARRIE: Let's go off the
19 record.

04:21:16 20 THE VIDEOGRAPHER: Okay we are off the
21 record it's 4:21 p.m.

22 (Recess taken.)

23 THE VIDEOGRAPHER: We are back on the
24 record it's 4:32 p.m.

04:32:10 25 MS. WEAVER: Before we broke the pending

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04:32:12 1 question on how many occasions has Facebook
2 deprecated targeting options as a result of
3 litigation or regulatory investigation.

4 MR. BENJAMIN: And object to form and

04:32:22 5 scope.

6 You can answer.

7 THE DEPONENT: I'm aware of two times
8 that we've updated targeting options as a result of
9 settlement that we came to in litigation.

04:32:35 10 Q. (By Ms. Weaver) And what are those two
11 times?

12 A. Once is the -- the NAFTA settlement in
13 2019 where we limited the targeting options for
14 housing employment and credit ads and the -- this
04:32:48 15 other time is this one from Washington state where
16 we moved the capability of exclusion for targeting
17 options or several targeting options.

18 Q. And at a later point in time Facebook
19 removed the exclusion targeting option altogether;
04:33:03 20 is that right?

21 A. No. Sorry. We -- we you can exclude
22 some types of targeting. That was not a change we
23 made. I'm not sure if that was something I -- I
24 confused on before. Let me know if I can clarify.

04:33:19 25 Q. Okay. So for example, today, is it okay

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04:33:24 1 on Facebook for advertisers to exclude people with

2 veteran or military -- military status?

3 MR. BENJAMIN: Objection to form and
4 scope.

04:33:39 5 THE DEPONENT: We don't have someone's
6 military status. But there that related targeting
7 options like an interest in -- in a veteran topic
8 would not be available for exclusion after the
9 updates that we made in 2018.

04:33:59 10 Q. (By Ms. Weaver) And so prior to 2018,
11 advertisers could exclude from related targeting
12 options users with veteran or military status; is
13 that right?

14 MR. BENJAMIN: Objection to form
04:34:23 15 misstates and scope.

16 THE DEPONENT: The witness, so for
17 example, topics similar to the ones we were
18 discussing before such as wheelchair users, those
19 were available for inclusion and exclusion in 2018
04:34:36 20 we updated them to be inclusion only and not usable
21 for exclusion.

22 Q. (By Ms. Weaver) And the other similar
23 interests that were available for exclusion prior
24 to 2018 included sexual orientation and disability;
04:34:51 25 is that right?

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04:34:53 1 A. Interests. Again not specifically based
2 on people's characteristics.

3 Q. And so what kind of interests are related
4 to sexual orientation in Facebook's view?

04:35:09 5 MR. BENJAMIN: Objection to form and
6 scope. Foundation.

7 THE DEPONENT: An example would be a
8 cause or an organization related to LGBTQ.

9 Q. (By Ms. Weaver) Would it also include
04:35:26 10 visits to specific requisites looking for -- for
11 example, HIV medication?

12 MR. BENJAMIN: Same objections.

13 THE DEPONENT: That's not part of
14 interest targeting I'm not sure the connection in
04:35:38 15 there.

16 Q. (By Ms. Weaver) Okay. What other
17 interests targeting did Facebook deem to be
18 associated with sexual orientation?

19 A. That --

04:35:48 20 MR. BENJAMIN: Objection -- objection to
21 form and scope.

22 THE DEPONENT: Specifically it was
23 interest that were related to causes organizations

24 or events that tied to into LGBTQ.

04:36:04 25 Q. (By Ms. Weaver) Does have Facebook have

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04:36:05 1 a list of the -- that were related to those
2 categories as well meaning, veteran military status
3 sexual orientation and disable?

4 MR. BENJAMIN: Objection to form?

04:36:17 5 A. We have as I was explaining before we
6 would be able to look at the interest that are
7 currently only or that were updated to be included
8 only. And that would be effectively what you are
9 asking I think.

04:36:34 10 Q. (By Ms. Weaver) Who you formal counsel
11 for production of those?

12 MS. WEAVER: Okay. I'm going to go back
13 to the third time to exhibit 657 this not your put
14 that is my fault to the bullet point Facebook's
04:36:57 15 policies re striking users advertisers of use of
16 advertising related for the use case do you
17 remember we tried to talk about a couple of time
18 now.

19 THE DEPONENT: Yes, we discuss it
04:37:08 20 earlier.

21 Q. (By Ms. Weaver) We did. What steps did
22 Facebook take to enforce those policies that is
23 limited to advertisers use of advertising related
24 data to the use case one of the impactful an --
04:37:29 25 important items that we take is that we built our

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04:37:32 1 product to help prevent for potentially misuse and
2 as example we the -- the minimum audience threshold
3 and only providing aggregated information to
4 advertisers without disclosing to them who saw
04:37:48 5 their ad are protections. To ensure that -- that
6 advertisers only use advertising related data for
7 the use case of placing ads.

8 Q. Is there any kind of task force that vets
9 to make sure that advertisers are using advertising
04:38:08 10 related data only for the advertising?

11 MR. BENJAMIN: Objection to form.

12 THE DEPONENT: Again, because we don't
13 disclose that information advertisers don't have
14 access to who saw the ad or and they are not able
04:38:27 15 to -- to re-identify that which is the primary
16 restriction and protection.

17 Q. (By Ms. Weaver) Okay. The question was,

18 is there any kind of task force at Facebook that
19 operates to make sure advertisers are using
04:38:44 20 advertising related data only for advertising?

21 A. I'm not clear what they would look for
22 since our product does not provide the user level
23 information to advertiser.

24 Q. Okay. But I'm not asking I'm literally
04:39:03 25 just saying is there task force --

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04:39:07 1 MR. BENJAMIN: Objection to form.

2 THE DEPONENT: I -- I understand the
3 question. It seems to assume that the task force
4 would have to look for something and my point is
04:39:17 5 that the product does not give the advertisers who
6 saw their ad so I'm not sure what the task for what
7 would accomplish.

8 Q. (By Ms. Weaver) Okay. I have that
9 answer I don't give it again. The question is
04:39:30 10 today does Facebook have a task force that is
11 focused on ensuring that advertisers use of
12 advertising related data is limited to advertising?

13 MR. BENJAMIN: Objection to form.

14 Argumentative. And asked and answered.

04:39:58 15 THE DEPONENT: The product build those
16 protections in we don't have an additional task
17 force looking at this specifically because the
18 product has those protections built in.

19 Q. (By Ms. Weaver) Thank you.

04:40:13 20 What is the ads integrity team?

21 A. Ads integrity was -- was a team it's been
22 renamed business integrity. Uphold our advertising
23 policies so the policies that -- that defense date
24 the type of content and restrictions on

04:40:39 25 advertising.

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04:40:41 1 Q. What specific policies does the ads
2 integrity team enforce and can you give examples of
3 such enforcement?

4 MR. BENJAMIN: Objection to form.

04:40:52 5 THE DEPONENT: Yeah, the -- as an example
6 under our policies, there were restricted content
7 prohibited content. The advertiser or business
8 integrity team manages those policies and and
9 builds our detection for them.

04:41:11 10 Q. (By Ms. Weaver) What do you mean by
11 restricted content?

12 A. So as an example content that we require
13 specific targeting parameters for or disallow other
14 targeting parameters for.

04:41:24 15 Q. What is an example of content that you
16 require specific targeting parameters for?

17 A. In order to run alcohol ad the
18 advertising must targeting 18 plus or 21 plus
19 depending on the location -- they are trying to run
04:41:40 20 their ad.

21 Q. Any other examples that you can think of?

22 A. Yes. Weight loss ads must be 18 and
23 above similar gambling ads require specific half --
24 an advertisers choosing to run a gambling ad has to
04:41:57 25 also have age targeting set appropriately for their

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04:42:01 1 location. Their content we also outright prohibit
2 that's under our --

3 Q. Like what--

4 A. We don't allow weapons to be sold in ads.
04:42:12 5 We don't allow discriminatory content. We don't --
6 back to restricted examples we don't housing
7 employment and credit advisors to run -- they have
8 to run with the specific limited targeting options

9 provided to them after 2019 that's an example of
04:42:29 10 the business integrity team enforces.

11 Q. Anything else?

12 A. Yes. If -- I mean the -- the policies in
13 our advertising policies are enforced by our
14 business integrity team. Those were examples.

04:42:49 15 Q. Right.

16 So what specific policies are you
17 thinking of that they say that they enforce?

18 MR. BENJAMIN: Objection to form and
19 scope.

04:43:05 20 THE DEPONENT: I am sorry can you repeat
21 the question.

22 Q. (By Ms. Weaver) Yes.

23 So I -- if go to Exhibit 657 and the --
24 the middle bullet point says "Ms. Leone will be
04:43:16 25 prepared to discuss the role of Facebook's ads's

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04:43:19 1 integrity team."

2 Do you see that?

3 A. Yes.

4 Q. So what specific policies is the ads
04:43:26 5 integrity team enforcing?

6 A. Our advertising policies are what they
7 enforce. The examples I gave with the restricted
8 content and prohibit content sub policies within
9 there. I don't know the full set of policies off
04:43:42 10 by heart.

11 Q. Can you think of any other examples as
12 sit here.

13 MR. BENJAMIN: Objection to form. Vague.

14 THE DEPONENT: In addition to the
04:43:58 15 restricted content policies that I --

16 Q. (By Ms. Weaver) Yes.

17 A. Explained such as alcohol, gambling,
18 weight loss, and the prohibited content, such as
19 weapons, hateful content -- hateful anything
04:44:11 20 that -- that goes against our communication
21 community standards if you -- you are promoted
22 something designated a dangerous organization those
23 all areas they were help enforce.

24 Q. So there's a myriad ways in Facebook can
04:44:27 25 enforce and limit the scope of advertising content

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04:44:31 1 sent to users, right?

2 A. We have enforcement for those policies,

3 yes.

4 Q. But there is no task force to enforce
04:44:50 5 whether or not advertisers are using data for use
6 cases other than advertising, correct?

7 MR. BENJAMIN: Objection. Objection to
8 form.

9 THE DEPONENT: Our protections to prevent
04:45:02 10 misuse is that we built the products so they don't
11 get that data. That is an upstream protection that
12 is distinct from enforcing a content policy where
13 there isn't the same corollary it's -- it's a very
14 different problem space so we built it into the
04:45:21 15 product.

16 Q. (By Ms. Weaver) So if you learned that
17 third parties were scraping for example Facebook
18 user IDs there's no task force that could
19 investigate to prevent it Facebook simply relies on
04:45:30 20 the fact that the policy is they are not supposed
21 to do that; is that right?

22 MR. BENJAMIN: Objection to form.
23 Misstates prior testimony. Argumentative.

24 THE DEPONENT: That's incorrect. We have
04:45:43 25 team that look at scraping. That is outside of

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04:45:46 1 advertising. It is not relevant to the information
2 we provide to advertisers in their performance --
3 in the performance of their ads.

4 Q. (By Ms. Weaver) And would you view
04:45:58 5 yourself as a privacy specialist?

6 A. That is not a title I assign to myself.

7 Q. Okay. So within?

8 A. I'm not sure what you mean by that.

9 Q. Sure.

04:46:09 10 Within the scope of your -- have been the
11 privacy and privacy and policy manager at Facebook
12 since November 2019; is that right?

13 A. Yes.

14 Q. And what are your duties and
04:46:22 15 responsibilities in that role?

16 A. I work with our ads product teams to
17 understand where they are going to develop future
18 products I consult with them. I work with them on
19 updates to our current products.

04:46:36 20 Q. So what's the privacy piece of your job
21 description that appears in your title?

22 A. I focus on Facebook's data use.

23 Q. And when you say Facebook's data use what
24 do you mean?

04:46:48 25 A. I mean the type of information that we

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04:46:51 1 use for ads.

2 Q. And do you focus on what information
3 Facebook shares with third parties?

4 A. That sometimes is in scope in the context
04:47:03 5 of ads.

6 Q. Is there somebody else whose preliminary
7 responsible for addressing what Facebook -- what
8 information Facebook shared with third parties and
9 whether or not it complies with Facebook's

04:47:15 10 policies?

11 MR. BENJAMIN: Objection to form.

12 THE DEPONENT: In the context of scraping
13 more generally across the platform, yes.

14 Q. (By Ms. Weaver) And -- and even more
04:47:30 15 high level is there somebody responsible at
16 Facebook for determining whether or not when
17 Facebook shares data with third parties it is
18 complying with Facebook's policies?

19 A. Yes.

04:47:42 20 Q. Who is that?

21 A. Our -- our privacy org is part of that

22 assessment an example would be Mike Clark.

23 Q. Anyone other than Mr. Clark?

24 MR. BENJAMIN: Objection to form and

04:48:01 25 scope.

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04:48:02 1 THE DEPONENT: He -- he's -- he is the

2 POC I know that -- that is involved in what it

3 sounds like you are getting at which access by

4 third parties to data across Facebook.

04:48:16 5 Q. (By Ms. Weaver) What is PoC mean in this

6 context?

7 A. I am sorry. Point of contact.

8 Q. Another person might may think person of

9 color?

04:48:26 10 A. I realize.

11 Q. So Mike Clark is the lead person in the

12 privacy organization responsible for enforcing

13 whether or not Facebook's sharing of data with

14 third parties complies with its policy; is that

04:48:43 15 right?

16 MR. BENJAMIN: Objection to scope and

17 form.

18 THE DEPONENT: His team manages for my

19 understanding his team manages with how third
04:49:01 20 parties if they have inappropriately accessed data
21 as an example through the scraping UUIDs that you
22 mentioned.

23 Q. (By Ms. Weaver) And what is the a name
24 of his team?

04:49:14 25 MR. BENJAMIN: Same objections.

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04:49:16 1 THE DEPONENT: I'm actually not sure the
2 official name of his team.

3 Q. (By Ms. Weaver) In addition to scraping,
4 is his team the team that is responsible for
04:49:24 5 determining if for example, data shared with third
6 parties might allow users to be personally
7 identified?

8 MR. BENJAMIN: One moment.

9 Objection to form and scope.

04:49:48 10 THE DEPONENT: I -- I'm not sure of the
11 parameters of what you mean. I don't think that
12 there is a singular POC that looks at that. We
13 have our misuse which is what I was explaining
14 Mike Clark's team does and then we also have the
04:50:08 15 protections we have put in place within ads to

16 ensure that we don't provide identifiable
17 information to advertiser. So I -- do you mind
18 clarifying what with you are look are that is
19 distinct from those two.

04:50:21 20 Q. (By Ms. Weaver) You understand that
21 protections are different than enforcement, right?

22 A. Yes.

23 Q. So I'm trying to find out who is -- who
24 is responsible for enforcing that Facebook does not
04:50:36 25 share identifiable information with third parties?

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04:50:42 1 MR. BENJAMIN: Objection.

2 Q. (By Ms. Weaver) That -- do you know who
3 that is if anyone?

4 MR. BENJAMIN: Objection to form and
04:50:46 5 scope.

6 THE DEPONENT: The access third parties
7 to our -- to do the across Facebook is something
8 Mike Clark's team evaluates.

9 Q. (By Ms. Weaver) What's your
04:51:02 10 understanding of the definition of personal's
11 identifiable information?

12 MR. BENJAMIN: Scope and form.

13 THE DEPONENT: Something that is
14 specifically tied to a user and uniquely tied to
04:51:17 15 and user.

16 Q. (By Ms. Weaver) Do you have an
17 understanding that actually personally identifiable
18 information is anything that could be used to
19 reasonably identify a person?

04:51:30 20 MR. BENJAMIN: Objection to form and
21 scope and to the extent it calls for leverage.

22 THE DEPONENT: I understand that's a
23 definition that you presented and I -- I understand
24 what you mean.

04:51:44 25 Q. (By Ms. Weaver) What is Facebook's

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04:51:45 1 understanding of what it means when they promise
2 that will not provide personal identifiable
3 information to advertiser?

4 A. That we --

04:51:57 5 MR. BENJAMIN: Objection -- objection to
6 form and scope of this deposition.

7 THE DEPONENT: That we don't provide
8 information to advertisers so that they -- can
9 understand who saw their ad.

04:52:12 10 Q. (By Ms. Weaver) And just again to
11 address the scope, under topic 8 and page three of
12 Exhibit 657 of the letter that Mr. Benjamin wrote
13 me, topic 8 is type of purpose and data and
14 information Facebook provided?

04:52:31 15 MR. BENJAMIN: Special Master?

16 MS. WEAVER: And it's states that
17 Ms. Leone will be prepared to discuss how Facebook
18 tracks user data received from advertisers it's
19 relationships and the ads placed and tracks data if
04:52:47 20 any provided to advertisers.

21 Q. (By Ms. Weaver) Going back to the
22 question?

23 MR. BENJAMIN: Special Master would
24 prefer outside of the presence of the witness.

04:52:57 25 SPECIAL MASTER GARRIE: I would actually

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04:52:59 1 would be it okay Ms. Leone if you go to the
2 breakout room for -- for a few minutes.

3 THE DEPONENT: Yup.

4 MR. BENJAMIN: Five minutes wait until
04:53:10 5 your counsel comes and gets you.

6 MR. BENJAMIN: Are we on the record.

7 SPECIAL MASTER GARRIE: Up.

8 MR. BENJAMIN: Thank you just to respond

9 briefly to counsel's weaver Special Master so the

04:53:26 10 letter actually reads in first bullet says the

11 tracking of the type and purpose of data and

12 information Facebook be receives, I believe

13 Counsel Weaver only read the part after tracking

14 power over association and identification of user

04:53:41 15 info was you know, the subject of topic 4 and other

16 30(b)(6) testimony.

17 So my scope objection was asserted in

18 legal conclusion response to a question about --

19 ire what is Facebook's understanding what it means

04:53:57 20 when promise they will not provide personal

21 identifiable information to advertiser.

22 I don't think that that relates to the

23 tracking of the type of purpose and data and

24 information Facebook receives and, again,

04:54:10 25 plaintiffs are already taken two different 30(b)(6)

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04:54:13 1 depositions on association identification under

2 topic 4.

3 SPECIAL MASTER GARRIE: Counsel Weaver is

4 there anything you want to put on the record.

04:54:24 5 MS. WEAVER: Sure. This witness has
6 testified already at length that Facebook is not
7 providing personally identifiable information I am
8 trying to understand what she's means when she says
9 on behalf of Facebook.

04:54:38 10 MR. BENJAMIN: I believe Ms. Leone has
11 testified repeatedly that Facebook doesn't provide
12 advertisers with user level data.

13 SPECIAL MASTER GARRIE: User -- user
14 granular data grammar you already level yeah.

04:54:55 15 MR. BENJAMIN: So again topic eight I
16 just want to start reading with the letter what
17 actually says into the record.

18 It says that Ms. Leone basically be
19 prepared to address first bullet the tracking of

04:55:05 20 the type and purpose of data and information
21 Facebook received table reflects 8A. That's the
22 language that Counsel Weaver read in part.

23 And she was asked to define a term
24 personally identifiable information and I objected

04:55:20 25 to it as being out of scope.

04:55:22 1 MS. WEAVER: That's what just happened
2 but three hours she spent along talking about
3 certain information does not identify the user
4 including Geo location and all of the other
04:55:32 5 categories. I want to understand what Facebook
6 be -- the people in Facebook advertising department
7 who are saying we don't give third parties
8 personally identifiable information. I am entitled
9 to corporate testimony on what they mean when.

04:55:48 10 SPECIAL MASTER GARRIE: All right. Is
11 the witness prepared to -- well before we get into
12 to the next -- of all is the witness to prepared to
13 answer the question on behalf of Facebook ore not.

14 MR. BENJAMIN: Which question
04:56:00 15 specifically Special Master.

16 SPECIAL MASTER GARRIE: The one
17 Counsel Weaver just asked that you -- you have
18 objected that's outside of scope.

19 MS. WEAVER: Let me if I can just read
04:56:10 20 from 218 lines three through ten.

21 So the representation here is that
22 Facebook is not providing any personal identifiable
23 information through the targeted advertising
24 process right.

04:56:32 25 MR. BENJAMIN: Objection to form. Vague

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04:56:33 1 want we don't provide advertisers information about
2 the users who saw their ad and how to identify
3 those users.

4 So she's made this assertion that's a
04:56:43 5 shield for Facebook and I just want to ask what our
6 understanding of personally identifiable
7 information is.

8 MR. BENJAMIN: That isn't -- but that
9 isn't the term that she used and you already taken
04:56:54 10 two different 30(b)(6) depositions about this
11 topic.

12 MS. WEAVER: No I have not and in fact
13 we'll get to but Mr. Clark refused to actually
14 define the term.

04:57:04 15 MR. BENJAMIN: She -- she's not been
16 designated to provide corporate testimony on
17 Facebook's understanding of the meaning of
18 personally identifiable information.

19 MS. WEAVER: And here again enumerate
04:57:17 20 every question we have we were going to ask the
21 very question is what data is Facebook giving to
22 third parties. And is it identifiable.

23 MR. BENJAMIN: That.

24 MS. WEAVER: The next question.

04:57:31 25 SPECIAL MASTER GARRIE: Wait, wait

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04:57:32 1 everybody interpreting my -- measliest as a reason
2 to talk it's I'm thinking. My apologies.

3 I guess the first question

4 Counsel Benjamin is the witness prepared to answer

04:57:50 5 the question on behalf of Facebook?

6 MR. BENJAMIN: The witness was not

7 designated to provide the company's position about

8 the meaning of personally identifiable information.

9 SPECIAL MASTER GARRIE: I understand that

04:58:05 10 that's not the question that's spending.

11 MR. BENJAMIN: So just look before we

12 went -- went -- went colloquy Special Master I

13 really same page.

14 One moment Ms. Weaver if you have in

04:58:34 15 front of I just want to make sure that we are

16 discussing the same question. What is Facebook's

17 understanding this is line 12 what is Facebook

18 understanding of what it means when they promise

19 that will not provide person identifiable

04:58:52 20 information to advertiser.

21 That was the question that to which I
22 objected on form and scope and then Ms. Weaver went
23 to the bullet point in the letter that she read
24 part of.

04:59:07 25 SPECIAL MASTER GARRIE: I'm very aware

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04:59:09 1 and my question is -- is Facebook -- is the witness
2 prepared to answer the question on behalf of
3 Facebook.

4 MR. BENJAMIN: So I believe if question
04:59:36 5 that's pending misstates the record.

6 So I can't tell you Special Master that
7 she's prepared to answer that specific question
8 because I think it's objectionable in a number of
9 ways. What she's said is that we don't provide
04:59:53 10 data to advertisers identifying individual users.
11 She hasn't provided testimony based on a definition
12 of personal -- of PII. So she's very prepared to
13 explain all the ways.

14 SPECIAL MASTER GARRIE: I just have a
05:00:09 15 simple, so -- I -- I understand your objecting to
16 the question and in the form.

17 My question is -- the question as it is
18 is she prepared to answer the question on behalf of
19 Facebook not the form of the question not whether
05:00:28 20 it's -- just and then I can.

21 MR. BENJAMIN: Right it's just -- yeah, I
22 think the answer is Special Master it's just not in
23 scope. So.

24 MS. WEAVER: Okay. I just want to go on
05:00:39 25 the record, that...

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05:00:41 1 SPECIAL MASTER GARRIE: We are still
2 still on the record.

3 MS. WEAVER: Fair enough.

4 SPECIAL MASTER GARRIE: Can I just
05:00:45 5 finish.

6 MS. WEAVER: Yes.

7 SPECIAL MASTER GARRIE: Let me just --
8 just finish here. That's fine counsel --
9 Counsel Benjamin I just so then before we go
05:00:53 10 further. I want respectful of the witnesses's
11 time. And the effort that has been done and if
12 there's an issue about scope and other things and
13 the witness isn't prepared to answer the question.

14 Counsel Weaver on behalf of Facebook I mean, we --
05:01:18 15 I mean, there's -- I'm not going to permit a line
16 of questioning whether or not prepared to answer it
17 if so -- well Counsel Weaver if you would like to
18 respond on the record and then Counsel Benjamin
19 rebuttal and then I'll make the ruling quickly
05:01:37 20 okay.

21 SPECIAL MASTER GARRIE: Counsel Weaver.

22 MS. WEAVER: Question we marked as
23 Exhibit 658 a couple of hours ago. We covered the
24 promise in this document -- there's a document
05:01:46 25 identified by Facebook as a document that this

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05:01:50 1 witness would be prepared to testify. This is
2 second time this has happened in this indicates.
3 That document says at page 5 we don't share
4 information about advertisers that personally
05:02:01 5 identifies individuals unless they have given us
6 permission. They then testified about this
7 document and when I asked, the representation here
8 is that Facebook is not providing any personally
9 identifiable information through the targeting --
05:02:16 10 the targeted advertising process right and she said

11 we don't provide advertisers information about the
12 users who saw their ad and how to identify those
13 users.

14 Now I'm trying to dig in when we talk
05:02:28 15 about enforcement and all of sudden she can't
16 define the words in the document that Facebook
17 identified that she would be prepared to discuss
18 with regard very specifically to what Facebook
19 shares through the targeted advertising process I
05:02:42 20 think it's clearly within scope and at some point
21 we are going to bring a motion to compel Facebook's
22 to identify and define what personally identifiable
23 information is in documents that they are
24 identifying their witnesses having knowledge of use
05:03:02 25 yeah Special Master the rebuttal Counsel Weaver

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05:03:05 1 said it already. This -- this document itself was
2 the subject of extensive testimony. Ms. Leone
3 answer all the questions she was asked about it
4 they didn't define personally identifiable
05:03:15 5 information the question that I read is clearly
6 outside of scope.

7 Plaintiffs have already taken two

8 depositions on this subject. And we were very
9 clear about what Ms. Leone was designated to
05:03:25 10 testify about to in -- all of the prior meet and
11 conference so again I just want to be clear what
12 she sit consistently throughout this deposition is
13 that Facebook doesn't provide advertisers with user
14 level data.

05:03:39 15 And Counsel Weaver is should feel free to
16 explore with her what that means. I was just
17 logging a scope oaks to the specific question that
18 was asked which relies on a term that Ms. Leone
19 hasn't used and that isn't in the document that
05:03:57 20 Counsel Weaver just pointed to.

21 MS. WEAVER: It is in the document. The
22 word personal identifiable.

23 SPECIAL MASTER GARRIE: It's page.

24 MS. WEAVER: Sorry?

05:04:04 25 SPECIAL MASTER GARRIE: 85 that word it's

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05:04:08 1 potentially page five of the document I just read
2 it myself. So that -- unless I'm reading different
3 document Counsel Benjamin, but.

4 MR. BENJAMIN: I was referring to the

05:04:19 5 phrase "personal identifiable information or PII"
6 which we all understand can be a term of art. So
7 again.

8 SPECIAL MASTER GARRIE: Counsel Weaver.
9 No I heard I understand Counsel Benjamin.

05:04:38 10 MR. BENJAMIN: Thank you.

11 SPECIAL MASTER GARRIE: Counsel Weaver.

12 MS. WEAVER: I'm looking at just give me
13 a moment here.

14 MS. WEAVER: What is difference between
05:04:50 15 information that personally identifies individuals
16 or personally identifiable information? Aren't I
17 styled to Facebook's understanding of that the
18 sentence says, information that -- with advertiser
19 that personally identifies individual and if I ask
05:05:04 20 about personally identifiable information Facebook
21 refuse fuses to provide and this is the second time
22 and Mr. Clark's deposition he said he needed to
23 look at a document to give me testimony and when we
24 gave it to him it had this term it says personally
05:05:18 25 identifiable information in it and Facebook

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05:05:21 1 wouldn't provide a deposition.

2 And now Ms. Leone is saying this -- this
3 guy for responsibility for?

4 THE DEPONENT: He doesn't what personal's
05:05:31 5 identifiable information. Now I want to if she
6 does.

7 I don't know how to get the bottom of
8 this case. I can bring a motion to compel to bring
9 her back. I will. Somebody owes got to be able to
05:05:42 10 answer that question before the close of this
11 discovery.

12 MR. BENJAMIN: I am sorry Ms. Beaver step
13 sentences very request pick No. one I think
14 Counsel Weaver was actually examining Ms. Leone
05:05:53 15 about the document, she asked her what that
16 language meant. And that was appropriate and I
17 think that testimony was provided.

18 If they puts the -- if puts the document
19 in front of Ms. Leone again, and ask her for
05:06:05 20 Facebook's understanding of that language in the
21 policy, maybe that's a way to cut through this.
22 All was re axing Special Master was the --

23 SPECIAL MASTER GARRIE: No, no I get it.
24 Counsel Benjamin I understand what I get re axing
05:06:18 25 too we kind of gone off the rails a bit. I

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05:06:20 1 recognized that. I let you guys speak Aaron
2 reports glee too much.

3 Not a reflection of your litigation
4 produce less it's just a little field of what the
05:06:35 5 action had to do with.

6 Counsel Weaver with the information that
7 has been provided by Counsel Benjamin, you can --
8 the witness isn't prepared to testify on behalf of
9 Facebook the way the question is phrased if you
05:06:55 10 want to rephrase the question and explore the topic
11 further it's perfectly reasonable. If you wish to
12 bring amok to compel to get the definition of
13 personal identifiable information from a Facebook's
14 designated representative you are well within your

05:07:13 15 rights but this witness is prepared to testify on
16 the topics and the question was asked, so with that
17 in mind I ask consider as a strong ask, that you
18 consider RID -- rephrasing your question with the
19 information that's been provided recognizing that
05:07:39 20 the witness simply isn't prepare to testify on
21 behalf of Facebook the way the question is being
22 asked.

23 MS. WEAVER: Okay.

24 MR. BENJAMIN: Thank you Special Master.

05:07:52 25 SPECIAL MASTER GARRIE: That doesn't just

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05:07:53 1 to for the record that doesn't mean plaintiffs
2 aren't entitled to a witness to answer or explain
3 if they feel that that information is critical or
4 necessary to their case.

05:08:04 5 MS. WEAVER: I mean one I would say is
6 Facebook providing documents to us with these terms
7 in it, and then I ask about them and they tell me
8 it's not within the scope, I mean do I have to go
9 through every document that has terms in it and

05:08:19 10 identify now within the document you better be able
11 to talk about these terms?

12 SPECIAL MASTER GARRIE: No.

13 MR. BENJAMIN: Yeah.

14 SPECIAL MASTER GARRIE: I think -- I

05:08:28 15 think -- no. And I -- at least from where I sit.

16 But I would just the particular question you have
17 asked and the way it was asked I think if you reask
18 the question using.

19 MS. WEAVER: Okay. That probably I think

05:08:49 20 Counsel Benjamin allude you had one possible

21 approach to getting forward progress may or may
22 not. Depending on -- he on where we go. So well
23 call the witness back Counsel Benjamin and we'll
24 keep going.

05:09:07 25 MR. BENJAMIN: Thank you.

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05:09:12 1 THE COURT REPORTER: Can we take five?

2 SPECIAL MASTER GARRIE: We can.

3 MS. WEAVER: How much time do we have?

4 All right. Let's go off the record.

05:09:19 5 THE VIDEOGRAPHER: Off the record it's

6 5:09 p.m.

7 (Recess taken.)

8 THE VIDEOGRAPHER: We are back on the

9 record it's 5:19 p.m.

05:19:41 10 Q. (By Ms. Weaver) Ms. Leone, I will ask

11 you to take a look at Exhibit 658?

12 A. I have it up.

13 Q. And turning to the page we discuss

14 earlier and on page five and there's a bullet point

05:19:57 15 that says, "we don't share information with

16 advertisers that personally identifies individuals

17 unless they have given us permission."

18 Do you see that?

19 A. Yes.

05:20:07 20 Q. What is your understanding of information
21 that personally identifies individuals?

22 A. In the context of ads it's that we do not
23 share with the advertiser who saw their ad so that
24 they understand who that user was.

05:20:23 25 Q. And when you say who -- we do not share

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05:20:30 1 who saw their ad.

2 What do you mean?

3 A. The user who saw their ad we don't share
4 the identity of that user with the advertiser.

05:20:38 5 Q. Does Facebook share information that
6 enables third parties to identify the user?

7 MR. BENJAMIN: Objection to form.

8 THE DEPONENT: No as I mentioned our
9 product -- the protections in our product such as

05:20:58 10 the performance metrics are aggregated to avoid an
11 advertiser re associating and trying to use the
12 identifier who user the ad.

13 Q. (By Ms. Weaver) And do you think that
14 Geo location is an example of information that

05:21:15 15 personal identifies an individual?

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: In the context of ads, we
18 don't share who viewed the ad or their location
19 with an advertiser.

05:21:37 20 Q. (By Ms. Weaver) But if an advertiser is
21 seeking to advertise within a 1 mile radius and/or
22 if they are using their own customer list, doesn't
23 the advertisers know who the person is?

24 MR. BENJAMIN: Objection to form and

05:21:54 25 scope.

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05:21:56 1 THE DEPONENT: No. They, for example if
2 someone selects a radius or selects their location
3 targeting, they don't know who sees the ad. We
4 don't share the information with them about whose
05:22:10 5 seeing the ad.

6 Q. (By Ms. Weaver) Okay. So the -- is your
7 testimony on behalf of Facebook is that because
8 Facebook is not sharing who saw the ad, it is not
9 sharing information that personally identifies
05:22:23 10 individuals; is that correct?

11 MR. BENJAMIN: Objection to form.

12 Misstates.

13 THE DEPONENT: We don't share information

14 about who saw the ad to the advertiser so that can

05:22:38 15 identify that user.

16 Q. (By Ms. Weaver) I understand that you

17 have keep repeating the sentence I'm trying to

18 drill in what you mean by who saw the ad when you

19 say we don't identify who, do you mean by name?

05:22:52 20 A. I mean individually users their name an

21 example similar to lease weaver that is not what we

22 shared with advise verse.

23 Q. Okay. Can you give me the full list what

24 think it is that Facebook does not share such that

05:23:06 25 it is not sharing information that personal's

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05:23:10 1 identifies individuals?

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: I can't define everything

4 we don't share. It's --

05:23:24 5 Q. (By Ms. Weaver) Let me put it this way.

6 What is that you think is information that

7 personally identifies individuals?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: In the context.

05:23:40 10 Q. (By Mr. Benjamin) Sorry objection to
11 form and scope. I understand Counsel Weaver still
12 to be examining you about Exhibit 658 and the
13 language in that document.

14 You can answer?

05:23:51 15 THE DEPONENT: In the context of ads it's
16 that we do not provide advertisers with information
17 to understand who saw their ad specifically which
18 users saw their ad.

19 Q. (By Ms. Weaver) Give me the examples of
05:24:03 20 the information that you just referred to in that
21 answer?

22 A. We don't -- in our -- as an example in
23 our performance metrics those are aggregated so
24 that an advertiser doesn't know who specifically
05:24:26 25 clicked or saw their ad.

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05:24:28 1 Q. I understand.

2 I'm asking you a different question.

3 What is the kind of information that you
4 think would personally identify an individual?

05:24:42 5 MR. BENJAMIN: Objection to form. Asked

6 and answered. Vague.

7 THE DEPONENT: In the context of ads
8 again it's who saw your ad and which users those
9 were which would personally identify someone in the
05:24:52 10 context of ads.

11 Q. (By Ms. Weaver) So do you mean name, or
12 email or what is the kind -- I need examples of the
13 kind of information that you say would personally
14 identify an individual?

05:25:05 15 MR. BENJAMIN: Yeah.

16 Q. (By Ms. Weaver) What do you mean?

17 MR. BENJAMIN: Objection to form. And
18 scope and I will just make a running objection for
19 the sake of the record and so not to impede the
05:25:16 20 deposition to this entire line of questioning I
21 counsel weapon verify language within the
22 Exhibit 658 about information that personal's
23 identifies individuals.

24 On that basis you can answer.

05:25:34 25 THE DEPONENT: As an example we don't

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05:25:36 1 share with advertisers the person who saw the ad
2 which would include their name, their UID. Or

3 their email because that's not information we share
4 with our advertiser in delivering the ads that they
05:25:49 5 have placed on Facebook.

6 Q. (By Ms. Weaver) What about IP address is
7 that an example of information that could be used
8 to personally identify an individual?

9 MR. BENJAMIN: Same objections to form
05:26:01 10 and scope.

11 THE DEPONENT: It is not information we
12 share with an advertiser as a starting point. In
13 the context of ads. Again it's not information
14 with share with advertisers about who is seeing
05:26:24 15 their ad.

16 Q. (By Ms. Weaver) If a advertiser wants to
17 target IP addresses orgy why location, in your
18 understanding could that be used to identify an
19 individual?

05:26:37 20 A. Our targeting options --

21 MR. BENJAMIN: Sorry, Bella.

22 Same objections.

23 THE DEPONENT: Our targeting options
24 aren't based on IP address that's not a targeting
05:26:47 25 option we offer.

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05:26:48 1 Q. (By Ms. Weaver) Okay. It is something
2 that you mentioned earlier today do you recall
3 that?

4 A. To clarify, what I explained earlier was
05:26:58 5 an advertiser selects where they want their ad to
6 be shown so if they want their ad to be shown to
7 people in Washington state. And then we use that
8 to set the eligible audience for the ad, one of
9 ways someone could be included in it. Includes
05:27:17 10 location. Such as IP -- based on their IP that is
11 not the same as giving the advertiser the ability
12 to select IP addresses to target.

13 Q. And is it your understanding that
14 information that can be used one or two data points
05:27:38 15 together to identify a person would constitute
16 information that personal's identifies individuals?

17 MR. BENJAMIN: Same objection to form and
18 scope with respect to Exhibit 658.

19 THE DEPONENT: I can understand what you
05:27:58 20 mean by the combining data points. I do not see
21 the relevance of how that is happening within our
22 ad targeting or the information we provide back to
23 advertiser because we specifically don't provide
24 information back to advertiser at the user -- at --

05:28:14 25 of individual or user level.

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05:28:16 1 Q. (By Ms. Weaver) On behalf of Facebook as
2 sit here today, is Facebook aware that advertisers
3 or AP -- developers were scrapping UIDs via the
4 platform API?

05:28:32 5 MR. BENJAMIN: Objection to form and
6 asked and answered repeatedly and scope.

7 THE DEPONENT: I think I clarified that
8 I'm not aware of specific instances it is not my
9 role to be aware of specific instances of which
05:28:51 10 scrapping is occurring on the platform.

11 Q. (By Ms. Weaver) Is Uber a partner who
12 advertisers on Facebook using custom audiences?

13 MR. BENJAMIN: Objection to form. Vague.

14 THE DEPONENT: I -- I take you mean Uber
05:29:11 15 like the ride share company in.

16 Q. (By Ms. Weaver) Yes.

17 A. I don't know the specifics audiences or
18 ways that they set up their ads on our platform.

19 Q. We'll take a look at 663 please.

05:29:29 20 (Exhibit 633 was marked for
21 identification by the court reporter and is

22 attached hereto.)

23 THE DEPONENT: 663 I see it.

24 Q. (By Ms. Weaver) And take a moment to

05:29:33 25 read it and let they know when you have?

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05:29:45 1 A. This isn't go take me a minute I haven't
2 seen this before.

3 MS. WEAVER: No problem.

4 MR. BENJAMIN: Counsel was this a
05:29:52 5 document that was identified before the deposition.

6 MS. WEAVER: No, it was not because I did
7 not expect the testimony that we got and it's in
8 for impeachment purposes.

9 THE DEPONENT: I have read through.

05:32:09 10 Q. (By Ms. Weaver) Who is Ian Abernathy?

11 MR. BENJAMIN: Objection. Based on scope
12 I will assert that to a running objection to the
13 question on this document.

14 THE DEPONENT: I don't know who
05:32:20 15 Ian Abernathy is I have not worked him before.

16 Q. (By Ms. Weaver) Do you know who
17 Grace Molnar is?

18 A. No, I also don't know who Grace is.

19 Q. Do you know who Allison Hendrix?

05:32:32 20 A. I do know Ali Hendrix.

21 Q. Who is she?

22 A. She's our data policy manager for a
23 developer platform.

24 Q. Looking at Exhibit 663.

05:32:43 25 Do you understand it to be email from

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05:32:45 1 people who work at Facebook relating to their work
2 at Facebook?

3 A. Yes.

4 Q. And looking at the lower email do you see
05:32:58 5 Grace emailed Ian "we Uber behavior targeting
6 creating a custom audience list of UUIDs that were
7 obtain via a our API but not by them. We are
8 trying to determine where enforcement should sit
9 for things looks like this."

05:33:16 10 Do you see that?

11 A. Yes.

12 Q. Have you ever been aware that Uber has
13 created custom audience list of UUIDs in or around
14 2013?

05:33:26 15 A. No, I was not aware.

16 Q. And Facebook does not maintain a list of
17 advertisers who had scraped user IDs?

18 MR. BENJAMIN: Object based on scope and
19 form.

05:33:39 20 THE DEPONENT: To be clear, my
21 understanding of this is not that Uber scraped
22 these ID.

23 Q. (By Ms. Weaver) Okay. Do you have any
24 personal knowledge of this particular issue?

05:33:51 25 A. I don't just from reading this document

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05:33:55 1 I.

2 Q. Okay.

3 A. But this is the point, this document
4 suggests that Uber had a list of user IDs, correct.

05:34:04 5 A. Correct that they specify were obtained
6 through an API but not by Uber.

7 Q. Okay. And they were obtained through
8 Facebook's API, right?

9 A. Through a platform API.

05:34:17 10 Q. That is -- that is Facebook's platform
11 API, correct?

12 A. Yes that's what this states.

13 Q. Okay. And so Uber has a collection of
14 Facebook user IDs according to this document,
05:34:29 15 right?

16 MR. BENJAMIN: Objection to form.
17 Foundation and the same continuing objection based
18 on scope.

19 Q. (By Ms. Weaver) Was there any attempt by
05:34:38 20 Facebook to prevent Uber from conducting targeted
21 advertising by Facebook knows that Uber possesses
22 user IDs?

23 A. So again I'm -- I'm not familiar with
24 this case. This is the first time I have seen it.
05:34:55 25 This email thread reads to me as that is exactly

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05:34:58 1 what's being discussed.

2 Q. Right.

3 But it didn't happen did it. I mean you
4 are in advertising and you testified that there is
05:35:07 5 no list within the advertising department of
6 advertisers on Facebook who possess the user IDs,
7 right?

8 A. No I specifically.

9 MR. BENJAMIN: Objection. Objection.

05:35:19 10 Misstates testimony.

11 THE DEPONENT: I specifically noted first
12 that Uber was not scrapping, that's -- that's
13 specified here. And we -- they wouldn't -- this --
14 I think that's the answer Uber.

05:35:36 15 Q. (By Mr. Benjamin) You doesn't talk about
16 scrapping I will read the question back.

17 You testified that there is no list
18 within the advertising department of advertiser on
19 Facebook who possess user IDs, right?

05:35:50 20 MR. BENJAMIN: Same objection.

21 THE DEPONENT: Do you mind reading back
22 the testimony that you are referring to.

23 Q. (By Mr. Benjamin) I just ask you, within
24 the advertising department, is there a list of

05:36:01 25 advertiser on Facebook that Facebook knows has come

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05:36:06 1 into possession of user IDs?

2 MR. BENJAMIN: Objection to form and
3 scope.

4 THE DEPONENT: I'm -- I'm -- I'm not sure
05:36:42 5 like -- a list of advertiser that have access to
6 UID or have obtain UIDs, is not a list that I'm

7 aware of within ads. Because I -- I'm not sure the
8 connection there back to the fact that they are in
9 advertiser.

05:37:05 10 Q. (By Mr. Benjamin) Does Facebook have
11 anyway to preventives who Facebook knows possesses
12 -- possesses user IDs from advertising on Facebook?

13 MR. BENJAMIN: Objection to form. Asked
14 and answered.

05:37:33 15 THE DEPONENT: Possession of an ad -- the
16 possession of UUIDs by an advertiser is -- isn't a
17 factor in -- in -- that's not an evaluation in the
18 creation of an ad. I'm not sure the connection
19 here.

05:37:51 20 Q. (By Mr. Benjamin) Does Facebook take any
21 steps to prevent companies that Facebook knows
22 processes user IDs from targeting those users
23 through Facebook's advertising platform?

24 MR. BENJAMIN: Same -- same objections.

05:38:08 25 THE DEPONENT: I think this an example

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05:38:10 1 where like in this email thread they are discussing
2 the steps that need to be taken here. I'm not
3 aware of what happened with Uber, I'm not sure the

4 resolution in this one.

05:38:24 5 Q. (By Mr. Benjamin) And you in the
6 advertising privacy policy team, have never seen a
7 list of advertiser who possess users IDs or used it
8 for the purposes of saying you may not tiff vise
9 because you were sharing -- you would be able to
05:38:40 10 personally target individual users; is that true?

11 MR. BENJAMIN: Objection to form.

12 THE DEPONENT: I -- I don't know of any
13 other cases aside from the one that you have
14 presented currently.

05:38:59 15 Q. (By Mr. Benjamin) Does Uber currently
16 advertise on Facebook?

17 MR. BENJAMIN: Objection.

18 THE DEPONENT: I don't know the full list
19 of advertisers who advertise on Facebook, I -- I --
05:39:16 20 at points Uber did definitely advertise and in
21 recent years.

22 Q. (By Mr. Benjamin) Okay. Are you
23 prepared to testify about targeted advertisements
24 that take the form of video?

05:39:36 25 A. Yes.

05:39:37 1 Q. How do targeted advertisements take the
2 form of videos?

3 A. When an advertisers sets up their ad --
4 one second.

05:39:54 5 (Brief interruption.)

6 THE DEPONENT: Whether an advertiser sets
7 up their ad they choose the -- the creative for
8 their ad that includes choosing if it's going to be
9 an image or a video and the format and then they
05:40:12 10 would upload the video that they want to use for
11 their ad.

12 Q. (By Ms. Weaver) And Facebook then takes
13 the video and provides that video to the user; is
14 that right on its platform?

05:40:31 15 A. As in the case of all ads, it then enters
16 the auction and if it wins the auction we will show
17 that ad that has the video content in our newsfeed
18 to users.

19 Q. So Facebook is isn't creating the videos;
05:40:46 20 is that right?

21 A. The advertiser selects the individual use
22 and creates the video.

23 Q. And then Facebook's responsibility is to
24 take the video and provide it to the user; is that
05:40:58 25 right?

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05:41:00 1 MR. BENJAMIN: Objection to form.

2 THE DEPONENT: We deliver the ad to
3 users, yes.

4 Q. (By Ms. Weaver) And the ad is in video
05:41:06 5 form, right?

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: By -- by video form which
8 just mean it is an ad that has a video in it.

9 Q. (By Ms. Weaver) Yes.

05:41:18 10 A. Yes then we show a user that ad which
11 involves showing them the video.

12 Q. And then does Facebook report back to the
13 advertiser information about whether or not those
14 video were obtained or received?

05:41:42 15 MR. BENJAMIN: Objection to form.

16 THE DEPONENT: Do you mind clarifying
17 what you mean by obtained or received.

18 Q. (By Ms. Weaver) Do you understand what
19 the word obtained means?

05:41:50 20 A. I understood to -- I -- I understood it
21 to mean removing it from the platform and I don't
22 think that's what you mean so I want to be sure.

23 Q. Okay.

24 A. I'm following.

05:42:01 25 Q. Let's try this what about receive. Do

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05:42:04 1 you know what receive means?

2 A. Receive bide the users.

3 Q. Yes.

4 A. Yes the users -- so again the ad enters

05:42:12 5 the ad auction if it is delivered to a user the

6 user will see it that's what I'm defining as

7 receive they saw the ad.

8 Q. And then Facebook reports the view of

9 that video back to the advertiser; is that correct?

05:42:26 10 A. We report the aggregated number of views

11 of video a video ad gets correct.

12 Q. Okay. What is audience network?

13 A. Audience network was -- was effectively

14 an ad exchange owned by Facebook would enable us to

05:42:49 15 place an ad on third-party sites and websites --

16 third parties's websites and apps.

17 Q. And Facebook was placing the ad on the

18 third party websites and was it then compensated

19 for placing the ad?

05:43:14 20 MR. BENJAMIN: Objection to form.

21 THE DEPONENT: All with all ads the
22 advertisers pays for the ad and that was also true
23 with audience network placements.

24 Q. (By Ms. Weaver) And in this case, the
05:43:23 25 advertiser is Facebook; is that right?

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05:43:26 1 A. No.

2 MR. BENJAMIN: Objection to form.

3 Q. (By Ms. Weaver) Okay. Facebook is
4 placing the ad on behalf of an advertiser; is that
05:43:34 5 right?

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: It's a similar concept as
8 placing an ad on Facebook, the advertiser creates
9 the ad and chooses the audience. Facebook dis--
05:43:50 10 on -- on our platform we display it here we send it
11 to a publisher so the website or app and they
12 display the ad.

13 Q. (By Ms. Weaver) So is Facebook involved
14 in pulling together targeted interests or behaviors
05:44:11 15 for the creation of ads in audience network?

16 A. No.

17 MR. BENJAMIN: Objection -- sorry to
18 Bella objection to form. Compound. Vague.

19 THE DEPONENT: No, the creation of an ad
05:44:26 20 that goes on an audience network is the same of
21 creation of an ad on Facebook. The advertiser
22 selects their desired audience through our
23 targeting options the same ones that we covered.
24 The -- our role in the audience network portion is
05:44:44 25 in plays -- is in -- is in -- I think placing is

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05:44:49 1 maybe confusing us. Is in -- that ad going to a
2 third party website rather than on our platform to
3 be displayed to a user.

4 Q. (By Ms. Weaver) And then does Facebook
05:45:01 5 track performance measurements and report that back
6 to the advertiser?

7 MR. BENJAMIN: Objection to form.

8 THE DEPONENT: Similar to an ad that we
9 display on -- site and advertiser would know the
05:45:16 10 aggregate performance metric of that ad.

11 Q. (By Ms. Weaver) Are you aware of
12 performance measurements provided to sales force at
13 Oracle that were different than the kinds of

14 performance measurements provided orderly to -- to
05:45:35 15 advertisers?

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: In the -- can you clarify
18 in the sense of like Salesforce and/or detail
19 advertisers.

05:45:49 20 Q. (By Ms. Weaver) Yes?

21 A. And did we provide them with different
22 metrics.

23 Q. Yes.

24 A. No.

05:46:22 25 Q. Over time with regard to the performance

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05:46:25 1 metric provided by Facebook to advertisers, what
2 are examples of metrics that are provided today
3 that were not provided in the past?

4 A. As an example, I am sorry Matt I keep
05:46:45 5 jumping.

6 When a new ad format is introduced such
7 as video ads were not a type of ad that we had
8 originally -- also showed the relevant performance
9 metric of like aggregate views of that video, which
05:47:05 10 wouldn't haven't existed prior to a video ad.

11 Q. Can you think of other examples that were
12 ad added our time with regard to performance
13 measurements or metrics provided to advertisers?

14 MR. BENJAMIN: Objection to form.

05:47:20 15 THE DEPONENT: Ad score is example that
16 has been something that we have ad had in over
17 time.

18 Q. (By Ms. Weaver) When ad score added?

19 A. I don't know the exact date. But from
05:47:33 20 2016 onwards I believe.

21 Q. Any other examples you can think of?

22 A. I can't think of any other examples more
23 specifically on a timeline.

24 Q. What is conversion tracking?

05:47:57 25 A. Conversion tracking is way to understand

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05:48:00 1 who subsequently bought an ad or -- or converted
2 on -- on the product.

3 Q. Does Facebook provide that information to
4 advertisers?

05:48:14 5 A. That works in conjunction with our
6 business tools.

7 Q. Okay. Does Facebook provide that

8 information to advertisers through their business
9 tools?

05:48:25 10 A. We -- so for an ad that's -- that's a
11 conversion ad, an advertiser sets up the pixel and
12 they are able to understand and the conversions
13 from that ad.

14 Q. And when you say "the advertiser sets up
05:48:43 15 the pixel" do you mean to imply that's the
16 advertiser that is tracking the conversion for is
17 it?

18 A. Yes.

19 Q. Is just as well through the pixel?

05:48:56 20 MR. BENJAMIN: Objection to form.

21 THE DEPONENT: The advertiser sets up the
22 pixel Facebook also receives the information from
23 the pixel.

24 Q. (By Ms. Weaver) What specifically the
05:49:09 25 information that the pixel selects with regard to

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05:49:11 1 conversion tracking?

2 A. Pixel collects two categories of
3 information 11 is contact information which is form
4 of identifier. And event the event that something

05:49:27 5 is advertiser design in this case conversion and
6 they choose the version to send back about that
7 event.

8 Q. And for the record, can you define
9 conversion?

05:49:41 10 A. Conversion is -- is -- is -- the end of
11 the marketing funnel it's when someone buys the
12 product or service being advertised.

13 Q. Is -- is it always a public chair can
14 also be just a desired action?

05:50:03 15 MR. BENJAMIN: Objection to form.

16 THE DEPONENT: Desired action is
17 particularly broad because advertiser having
18 desired axe with any ad they are placing, so in the
19 sense of you create an ad with alike page objective
05:50:18 20 to try and get people to like your page. So -- are
21 more closely to take a very specific like buying
22 or -- or -- or it is the -- the -- the end of the
23 funnel that someone has completed the marketing
24 funnel.

05:50:39 25 Q. (By Ms. Weaver) So we a conversion a

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05:50:42 1 completion of a business objective?

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: I don't think inaccurate I

4 don't know -- exactly how we would describe but

05:51:00 5 that -- that -- I'm fine with that description.

6 Q. (By Ms. Weaver) Okay. Are you familiar
7 with something called an ad console?

8 A. No, not -- not immediately. Do you mind
9 walking through what your reference is.

05:51:24 10 Q. Yeah. Is there something internally that
11 the advertising team sees about ad came paints that
12 is not provided to the advertiser?

13 MR. BENJAMIN: Objection to form and
14 scope.

05:51:43 15 THE DEPONENT: An advertising team being
16 like the sales team associated with an advertiser.
17 Or.

18 Q. Yes.

19 A. I -- there are internal tools that are
05:52:01 20 sales team uses. I do not -- I don't know if
21 that's specifically ad console that -- that is
22 what -- if that's what it is named CHECK/CHECK.

23 Q. Okay. What is an ECTR?

24 A. The estimated click-through rate.

05:52:23 25 Q. And how is that calculated?

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05:52:29 1 A. The ECTR is part of the machine learning
2 the estimated action rate that's a similar concept
3 so it's the likelihood -- I am sorry one moment. I
4 want to be sure I'm also not confusing acronyms
05:52:50 5 here.

6 MS. WEAVER: No problem.

7 THE DEPONENT: I -- I apologize I don't
8 want to definition on the definition of how we
9 create the estimated click-through rate.

05:53:12 10 Q. (By Ms. Weaver) Who would know?

11 A. Our ad measurement team would know.

12 Q. Who is the -- in the ad measurement team?

13 A. An example is Toby Roessingh.

14 Q. ROSING?

05:53:33 15 A. It's -- his last name one second. I can
16 spell this.

17 A. ROESSINGH.

18 Q. Is the lead on the ad measurement team?

19 MR. BENJAMIN: Objection to form and

05:54:04 20 scope.

21 THE DEPONENT: I'm not sure his exact
22 position but he's on ad measurement.

23 Q. (By Ms. Weaver) Anyone else you can

24 think of?

05:54:16 25 MR. BENJAMIN: Same objection.

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05:54:18 1 THE DEPONENT: No, he's -- he's a point
2 of contact that -- that I use for the ads's
3 measurement team.

4 Q. (By Ms. Weaver) Okay. What is CPC?

05:54:35 5 A. Cost per click.

6 Q. And what is CPM?

7 A. CPM stands for cost per meal which is
8 cost per 1,000 impressions.

9 Q. And does Facebook provide to advertiser
05:54:54 10 following a campaign the metrics that include
11 clicks impressions CPM, CPC and CTR?

12 A. Do you mean for -- those -- those
13 aggregated metrics that we provide to advertisers.

14 Q. Does Facebook also provide revenue
05:55:15 15 information?

16 THE DEPONENT: Revenue is -- our like
17 related to us we provide the advertiser with ad
18 spend how much they spend on that ad.

19 Q. (By Ms. Weaver) And then does Facebook
05:55:31 20 provide something called value to advertisers?

21 A. We do provide a metric called value.

22 Q. And what is value?

23 A. How we calculate value is something that

24 I -- I'm afraid I will -- will misrepresent.

05:56:01 25 Q. But Facebook does calculate value, right?

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05:56:08 1 A. We so --

2 MR. BENJAMIN: Objection -- objection to
3 form.

4 THE DEPONENT: We provide a metric called
05:56:14 5 or part of performance is -- is a metric called
6 value.

7 Q. (By Ms. Weaver) And it's the value of
8 what?

9 A. I'm not certain and I don't want to
05:56:25 10 misrepresent what it stands for.

11 Q. Who would know?

12 A. Again Toby.

13 Q. What is ego value? EGO value eg0.
14 Value.

05:56:45 15 THE DEPONENT: I'm not certain. I --
16 I -- I -- I'm not familiar with that this yeah.

17 Q. (By Ms. Weaver) Does Facebook provide

18 real time ads metrics to advertisers?

19 MR. BENJAMIN: Objection to form.

05:57:08 20 THE DEPONENT: Can you clarify for real
21 time do you mean as soon as an action happens on an
22 ad?

23 Q. (By Ms. Weaver) I mean, I -- I don't
24 know I don't work at Facebook. But what is real

05:57:19 25 time mean at Facebook?

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05:57:23 1 MR. BENJAMIN: Objection to form.

2 THE DEPONENT: So we provide as an ad
3 begins to run we provide the aggregated metrics
4 performance metrics those aren't like a minute by
05:57:39 5 minute updated, so it's that's what we mean by real
6 time it's -- it's not how those metrics are shared
7 with advertisers.

8 Q. (By Ms. Weaver) How about five minute
9 level granularity is that shared with advertisers?

05:58:03 10 A. I don't know the exact refresh rate of
11 those aggregated metrics.

12 [REDACTED]

[REDACTED]

[REDACTED]

05:58:17 15

[REDACTED]

16

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

■ [REDACTED]

13 Q. (By Ms. Weaver) Okay. What are QRT
14 experiments?

05:59:58 15 A. Those aren't specific to -- to ads a QRT
16 is to effectively understand the change when we
17 launch something so if we see as an example we
18 might -- I'm trying -- probably silly am example.
19 In ads manager we switched the order of nothing we
06:00:24 20 might run a QRT where some advertisers are in one
21 group and other advertisers are in other group to
22 understand if there is a difference between the --
23 the groups and the UIs to understand if there's an
24 impact to how they engage with our tools.

06:00:41 25 Q. And what is QRT stand for, do you know?

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06:00:48 1 A. I don't know.

2 MR. BENJAMIN: Objection to form and
3 scope.

4 THE DEPONENT: This is probably a -- a
06:00:53 5 problem at Facebook where we were -- without ever
6 learning the -- the fallboarding I'm not sure. I'm
7 not sure what the full name is or what it stands
8 for.

9 Q. (By Ms. Weaver) So do QRT experiments
06:01:08 10 generates ads specific metrics that are useful to
11 Facebook in figuring out how best to target users?

12 MR. BENJAMIN: Objection to form.

13 THE DEPONENT: No, a QRT is about
14 creating -- like a production environment that we
06:01:33 15 can understand if it's different from different
16 production environment. It's not a method to
17 target users for ads. That is still established by
18 our targeting tools that advertisers choose.

19 Q. (By Ms. Weaver) What a -- what's a
06:01:53 20 production environment?

21 MR. BENJAMIN: Objection.

22 Is anyone else hearing a echo?

23 THE COURT REPORTER: Yes.

24 MS. WEAVER: I'm hearing an echo too.

06:02:11 25 MR. BENJAMIN: Do we do want to go off

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06:02:12 1 the record.

2 THE COURT REPORTER: Sure.

3 MS. WEAVER: I want to continue with dep;
4 do you have -- do we to he have.

06:02:22 5 THE DEPONENT: 18 minutes. Is it on my

6 own if I mute does that help.

7 (Discussion off the stenographic record.)

8 Q. Okay. Back what is production
9 environment.

06:03:33 10 A. That was my way of explaining that we
11 created two versions of a UI for users who -- who
12 are in this -- in the example I gave advertisers to
13 interact with it's just a -- a life part of our
14 site. I'm not sure if like a technical term that
06:03:53 15 would be used but that's what I was describing.

16 Q. Are you familiar with something called
17 deltoid?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: Not super specific to ad
06:04:08 20 targeting or ad ranking. Deltoid from my
21 understanding is low we help measure when a.

22 THE DEPONENT: RT is running the
23 differences in metrics from that effectively those
24 two environments the two versions that that we have
06:04:28 25 running.

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06:04:29 1 Q. (By Ms. Weaver) And what do you mean by
2 the differences in metrics?

3 A. So going back to the example of that I
4 was using of advertiser maybe we switched the. I
06:04:40 5 in one version to understand if it's an easier UI
6 or them to use. I mean one thing would be like ad
7 creation do we see similar rates of ad creation
8 when we make that change.

9 Q. Got it.
06:05:02 10 So does Facebook provide to third parties
11 ad market daily metrics?

12 MR. BENJAMIN: Objection to form to.

13 Q. (By Ms. Weaver) Know is that something
14 that Facebook maintains internally sorry that about
06:05:15 15 Matt?

16 MR. BENJAMIN: Excuse me Ms. Weaver
17 apologize.

18 Objection to form and scope.

19 THE DEPONENT: I am sorry I missed the
06:05:24 20 very beginning of your question.

21 Q. (By Ms. Weaver) Does Facebook provide to
22 third parties ad market daily metrics?

23 MR. BENJAMIN: Same objections.

24 THE DEPONENT: No my understanding is
06:05:42 25 that that's an internal table of -- of ad

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06:05:48 1 performance and metrics.

2 Q. (By Ms. Weaver) And does Facebook
3 maintain per impression logging with revenue
4 information for ads?

06:06:03 5 MR. BENJAMIN: Objection to form.

6 THE DEPONENT: [REDACTED] we maintain
7 something called ads impressions annotated which is
8 an impression login table to be clear. I don't
9 think it's revenue based. Revenue again is more

06:06:19 10 specific to us rather than ad spend from the
11 advertiser.

12 Q. (By Ms. Weaver) And does Facebook share
13 data from the ads impressions annotated with third
14 parties?

06:06:38 15 MR. BENJAMIN: Objection to form and
16 scope as phrased.

17 THE DEPONENT: No, we share the
18 aggregated impression information in like our --
19 our ads manager performance metrics not the table.

06:06:51 20 Q. (By Ms. Weaver) And where is that
21 aggregated impressions information maintained at
22 Facebook?

23 MR. BENJAMIN: Objection to form and
24 scope.

06:07:04 25 THE DEPONENT: It's read from our data

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06:07:07 1 basis it's read from the tables but aggregated for
2 to desired audience play to -- in our UI.

3 Q. (By Ms. Weaver) I am sorry.

4 A. No, no.

06:07:18 5 Q. You said read from databases which
6 databases do you mean specifically?

7 A. The -- the back end here, I -- I were --
8 this isn't specific to ads, I'm not -- I'm not sure
9 if like our ads reporting UI reads it [REDACTED]

06:07:44 10 specifically in which case it would be the ads
11 impressions annotated or [REDACTED]
12 [REDACTED] is where like the production site is
13 run from.

14 Q. Is there data [REDACTED] which is

06:08:12 15 shared with third parties?

16 MR. BENJAMIN: Objection to form and
17 scope.

18 THE DEPONENT: Can you -- do you mind --
19 collar -- clarify do you mean such as like the

06:08:30 20 tables [REDACTED]?

21 Q. (By Ms. Weaver) Yes.

22 MR. BENJAMIN: Same objection.

23 THE DEPONENT: So within the context of

24 ads we don't share the tables [REDACTED] with third

06:08:42 25 parties.

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06:08:44 1 Q. (By Ms. Weaver) Which share information

2 contained in the tables [REDACTED] some -- some

3 portion of it with advertisers?

4 MR. BENJAMIN: Objection to form. Asked

06:08:55 5 and answered.

6 THE DEPONENT: Our ad reporting metrics

7 the one we discussed the aggregated ones such as in

8 ads manager I'm not certain if those come [REDACTED]

9 if that's an age gender that's there but were

06:09:14 10 example where conceptually that might happen. But,

11 again, it's about -- it's backing the aggregated

12 metrics that we provide to an advertiser.

13 Q. (By Ms. Weaver) What's the difference

14 between a raw and a legal impression?

06:09:30 15 MR. BENJAMIN: Objection to form and

16 scope.

17 THE DEPONENT: A legal impression is an

18 impression that we -- that is targeted ad had to

19 the advertiser a raw impression is not always a
06:09:48 20 legal impression.

21 Q. (By Ms. Weaver) How does Facebook decide
22 what is a legal impression?

23 MR. BENJAMIN: Objection to form and
24 scope.

06:09:58 25 THE DEPONENT: This -- this is within ads

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06:10:00 1 measurement an example from -- from my knowledge is
2 if we -- if we show an an ad multiple -- if an
3 ad -- I am trying to explain how -- how I remember
4 this.

06:10:28 5 If -- if an example of a raw impression
6 is that does -- is not a legal impression because
7 legal impressions a subset of those, would be if an
8 ad is shown to a user potentially repeatedly and it
9 was not -- it wasn't supposed to be so it's -- if
06:10:48 10 an indication of potentially like a miss delivery
11 on our side so we don't charge the advertiser for
12 it.

13 Beyond that I, don't know all the cases
14 and that would be something that our ads
06:10:59 15 measurement would cover.

16 Q. (By Ms. Weaver) Are you aware of a table
17 that logs per user daily key revenue metrics with
18 ads revenue?

19 MR. BENJAMIN: Objection to form and
06:11:12 20 scope.

21 THE DEPONENT: No.

22 Q. (By Ms. Weaver) So you are familiar with
23 a log called [REDACTED]
[REDACTED] [REDACTED]?

06:11:26 25 MR. BENJAMIN: Same objections.

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06:11:31 1 THE DEPONENT: I'm -- I'm not familiar
2 with all of data in that table or if it reflects
3 revenue per user that's not something we calculate.

4 Q. (By Ms. Weaver) Do you know if -- are
06:11:50 5 you familiar with a [REDACTED]

[REDACTED]
[REDACTED]

8 CHECK/CHECK?

9 MR. BENJAMIN: Objection to form and
06:12:05 10 found and scope.

11 THE DEPONENT: I don't know the details
12 of the columns of that [REDACTED]

13 Q. (By Ms. Weaver) Is there a person who is
14 responsibility is to track revenue tied on a user
06:12:19 15 basis no, we don't track revenue on a user basis.

16 Q. You said we don't you mean currently
17 Facebook doesn't do that?

18 MR. BENJAMIN: Objection to form and
19 scope on this line.

06:12:50 20 THE DEPONENT: We don't track per user
21 how much -- the revenue we've gain from that user
22 is what I mean.

23 Q. (By Ms. Weaver) Okay. With regard to
24 conversions are you familiar with something called
06:13:07 25 an RSVP?

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06:13:12 1 MR. BENJAMIN: To scope.

2 THE DEPONENT: No I might need some --
3 some narrowing or clarification.

4 Q. (By Ms. Weaver) Sadly, I don't have any.

06:13:34 5 MS. WEAVER: Okay I think we go off the
6 record quickly how much time do we have left.

7 THE VIDEOGRAPHER: Let's see -- off the
8 record we about seven or eight minutes left.

9 MS. WEAVER: Great. Thank you.

06:13:52 10 THE VIDEOGRAPHER: Okay. We are off the
11 record it's 6:13 p.m.

12 (Recess taken.)

13 THE VIDEOGRAPHER: We are back on record
14 it's 6:28 p.m.

06:28:11 15 Q. (By Ms. Weaver) Ms. Leone just a -- or
16 Ms. Leone just a few more questions. You testified
17 the CPC is metric that refers to cost per click.

18 Do you recall that?

19 A. Yes.

06:28:23 20 Q. Can it also?

21 MS. WEAVER: You know, it sound like this
22 echo is me let me try.

23 Can you refer --

24 A. I am sorry, that came in and out

06:28:41 25 continuously.

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06:28:45 1 MS. WEAVER: Hello, I just want back to
2 the other Mike.

3 Q. Okay. Can CPC also refer to a type of
4 bidding that advertisers can choose where they pay
06:28:54 5 each time a user clicks on the ad?

6 A. It is abiding strategy that they can

7 select when they set up their ad.

8 Q. And is reach the number of users who

9 research an ad?

06:29:14 10 A. Reach is the number of accounts that --

11 that -- that see an ad, yes. I think that were we

12 are saying the same thing.

13 Q. And unique accounts?

14 A. Unique accounts.

06:29:25 15 Q. What is frequency?

16 A. Together reach and frequency are a type

17 of a membership of brand awareness of we we will

18 try to -- to -- to optimize the ad to reach a large

19 number of people or reach many people and multiple

06:29:50 20 times with an ad so they familiarize yourself with

21 that brand.

22 Q. So is reach frequency a number of times a

23 user is exposed to an ad?

24 A. Yes.

06:30:03 25 Q. And is average frequency calculated by

340

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06:30:06 1 dividing impressions by reach?

2 A. I believe so. But I -- I would be

3 potentially need to to -- to confirm.

4 MS. WEAVER: Okay. That's it I have no
06:30:25 5 further questions at this time and reserve all
6 rights and on behalf of plaintiffs.

7 MR. BENJAMIN: Okay. Thank you for
8 Counsel Weaver on behalf of Facebook like to have
9 an opportunity to ask the questions wanted to today
06:30:38 10 we just reserve all rights.

11 Transcript confidentiality pursuant to
12 the pending the final confidential's designation.

13 MS. WEAVER: Great. Thank you. We can
14 go off the record.

06:30:50 15 THE VIDEOGRAPHER: We are -- do you want
16 to go off the record. I am sorry I didn't hear.

17 MS. WEAVER: We can go off.

18 THE VIDEOGRAPHER: Off the record. Thank
19 you. We are off the record. It's 6:31 p.m.

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